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THE

# OFFICE AND DUTY

OF

# *CORONERS:*

SHEWING

## THE MODE OF APPOINTMENT;

WITH THE

*POWERS AND DUTIES IN TAKING INQUISITIONS,*
*&c. &c. &c.*

TO WHICH IS ADDED,

The Mode of holding the COURT of the CORONER, PRECEDENTS of INQUISITION, and all other neceſſary Precedents.

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# THE

# OFFICE AND DUTY

# OF

# *CORONERS.*

*CORONERS* are very ancient officers at common law, ſo called, becauſe they deal principally with the pleas of the crown; 4 *Inſt.* 471. and in former days, were the principal conſervators of the peace, *within their counties*; and may now bind to the peace any perſon who makes an affray *in their preſence.* 2 *Haw. P. C. c.* 28. *ſ.* 5. 4 *Inſt.* 271. Coroners are antient officers.

There are a certain number of them in every county, in ſome more, in others leſs, according as the uſage hath been. A certain number in every county.

The coroner is of equal antiquity with the ſheriff, and was ordained with him to keep the peace when the earls gave up the wardſhip of the county. *Mirr. c.* 1. *ſ.* 3. Equal antiquity with ſheriff.

The court of the *coroner* is a court of record, to inquire, when any one dies in priſon, or comes to a violent or ſudden death, by what manner he came to his end. And this he is only entitled to do *ſuper viſum corporis.* 4 *Inſt.* 271. 2 *Hale's P. C.* 53. 2 *Haw. P. C.* 42. Court of coroner.

Three kinds of coroners.

Coroners are of three kinds, viz. 1. *By virtue of office.* 2. *By charter or commiſſion.* 3. *By election.*

Ch. J. of K. B.

1. The lord chief juſtice of the king's bench (*a*) is, by virtue of his office, principal coroner of *England*. And may if he pleaſe exerciſe the juriſdiction of coroner in any part of the realm. 4 *Rep.* 57.

By charter or commiſſion.

2. Coroners, *virtute cartæ ſive commiſſionis*, and theſe ordinarily were made by grant or commiſſion, without election; ſuch are the coroners of particular lords of liberties, and franchiſes, who by charter have power to create their own coroners, or to be coroners themſelves: Thus the *mayor of London* is by charter of 18 *Ed.* 4. coroner of *London*; the *biſhop of Ely* alſo hath power to make coroners in the Iſle of *Ely* by the charter of *H.* 7. Queen *Catherine* had the hundred of *Colridge* granted to her, by the king, 35 *H.* 8. with power to nominate coroners. 9 *Co. Rep.* 29. *b.*

Tho' the ſtat. gives power to elect coroners for counties, yet there is a ſaving to the king, &c. to make coroners of liberties, &c.

And therefore by *ſtat.* 28 *E.* 3. *c.* 6. where the power of electing coroners is confirmed to the counties, yet there is a *ſaving to the king and other lords, which ought to make ſuch coroners, their ſeignories and franchiſes*; ſo that the king may grant coroners within certain precincts, and lords of franchiſes, that have power to nominate coroners by charter, may ſtill do it, *without election.*

The Admiralty and verge.

There are *two* great precincts too, that, by the king's grants, have power of granting or having coroners, *viz.* the *juriſdiction* of the *admiralty*, and the *verge*; the former, for inquiſi-

(*a*) The *other* judges of this court are ſovereign coroners. 4 *Inſt.* 173. 4 *Co. Rep.* 57.

tions

tions of death on the high ſeas; the latter within the verge. The coroner of the *admiralty* is appointed by the lord high admiral: the appointment of coroner of the *verge* is ſettled in perpetuity in the lord high ſteward, or lord great maſter of the king's houſe, for the time being. 33 *H.* 8. *c.* 12.

Coroner of admiralty.

3. Coroners *virtute electionis* are thoſe who by the *ſtat.* of *Weſt.* 1. *c.* 10., and *ſtat.* 28 *Ed.* 3. *c.* 6. are eligible by the county, in the county-court by the king's writ *de coronatore eligendo.*

Coroners virtute electionis.

*London* and the *Cinque Ports*, from great antiquity, have their own coroner. The *dean and chapter of Weſtminſter* have their own coroner, who, by their appointment, is coroner for the city and liberty of *Weſtminſter*; and in the *Stannaries in Cornwall*, the *wardens are coroners.*

London and Cinque Ports, Weſtminſter, Stannaries in Cornwall.

In each of the 12 ſhires in *Wales*, in *Cheſhire*, &c. there are only two coroners, which was ſettled by *ſtat.* 33 *H.* 8. *c.* 13. and 34 *H.* 8. *c.* 26. 4 *Inſt.* 271.

## *Coroner of the Admiralty.*

Coroner of the admiralty.

On the death of a man or in any caſe belonging to the coroner, ariſing upon the *high ſea*, inquiſitions have been uſually taken by the coroners appointed by the king or his admiral, and here the coroners of the county have no juriſdiction. 2 *Ha. P. C.* 54.

But of deaths of men happening upon *arms* of the ſea *below the bridges* within the bodies of counties, as upon the *Thames* or *Severn*, &c. in ſhips there hovering, tho' the coroner of the admiralty hath juriſdiction, yet it is not exclu-

ſive of the juriſdiction of the coroner of the county, who may inquire in *any great river* upon theſe articles, *where a man can ſee from one ſide to the other.* 8 *E.* 2. *Coron.* 399. *Hal. P. C.* 54.

Main ſtream.

By the *ſtat.* 15 *R.* 2. *c.* 3. of the death of a man, or maihem in great ſhips hovering in the main ſtream of great rivers below the bridges nigh to the ſea, the *admiral* ſhall have juriſdiction.

This ſtatute firſt gave the admiral juriſdiction in any river or creek, within the body of the county, which only extends to the death of a man and maihem. 2 *Hal. P. C.* 16.

General commiſſion of oyer and terminer to hear and determine felonies, have a concurrent juriſdiction with the court of admiralty and as well as the coroner of the county may make inquiſitions.

This is not excluſive of the courts of common law, and therefore the king's bench on the general commiſſion of oyer and terminer to hear and determine felonies, &c. in the county, have herein a concurrent juriſdiction with the court of admiralty. And as well the coroner of the county, as of the admiralty, may make inquiſitions upon ſuch deaths happening in great *rivers, namely, arms of the ſea, that flow and reflow beneath the firſt bridges.* 8 *E.* 2. *Coron.* 399.

What it extends to.

Only theſe things are obſervable. 1. That it extends only to rivers, that are arms of the ſea, namely, that flow and reflow, and bear great ſhips. 2. It extends only to ſuch deaths as *happen in thoſe great ſhips,* not in ſmall veſſels. 3. That by that ſtatute, this juriſdiction is annexed to the court of admiralty, and conſequently they may proceed therein by proofs according to the courſe of the marine law, and hold their ſeſſion where they pleaſe, tho' they did

did often before the ſtatute of 28 *H.* 8. proceed by commiſſion under the great ſeal, and by inquiſition. *Hale's P. C.* 16.

When a man of war is *infra corpus com'* the *land* coroner may go aboard, and if oppoſed, the court will grant an information. *Rex* v. *Solgard*, who hanged himſelf aboard a man of war lying within the harbour of *Portſmouth* and the liberties of the borough, 2 *Str.* 1095.

If a man of war is infra corpus com'.

Inquiſitions taken before the coroner of the admiralty are to be returned before the commiſſioners upon the *ſtat.* 28 *H.* 8. *c.* 15. but the inquiſitions taken before the coroner of the county are to be returned before the commiſſioners of *gaol delivery* of the county. *Hal. P. C.* 54. or into the K. B. *Umfrev.* 147.

Inquiſition taken before coroner of the admiralty to be returned before the commiſſioners.

## *Coroner of the Verge.*

THE other great juriſdiction, is the *coroner* of the *king's houſe*, uſually called the *coroner of the verge*, who it ſeems antiently was appointed by the king's letters patent, but by *ſtat.* 33 *H.* 8. *c.* 12. the granting thereof is ſettled in perpetuity in the *lord ſteward*, or lord great maſter of the king's houſe for the time being. 2 *Hale*, 54.

Coroner of the verge or king's houſe.

Antiently the coroner of the verge had power to do all things *within the verge* belonging to the office of the coroner, excluſive of the coroner of the county; but becauſe the king's court was moveable often, by *ſtat.* of *Articuli ſuper cartas*, *c.* 3. it is ordained, that of the death of a man the *coroner of the county* ſhall join in inquiſition to be taken thereof, with the coroner of the *king's houſe*, and if it happen it cannot be determined before

Antiently had power to do all things in the verge, excluſive of the coroner of the county. 28 E. 1. c. 3.

But now the coroner of the county ſhall join.

the ſteward, proceſs and proceeding ſhall be thereupon had at common law.

Coroner of the county in that caſe of *death* cannot take inquiſition without coroner of the verge.

But yet in that caſe of death within the verge, the coroner of the county cannot take an inquiſition *without the coroner of the verge*; and if he doth, it is void; but if one perſon be coroner of the county, and *alſo* of the verge, the inquiſition before him is as good, as if the offices had been in ſeveral perſons and taken by both. *Hal. P. C.* 55. And tho' the court remove, yet he may proceed upon that inquiſition as coroner of the county. 4 *Co.* 45.

If the court remove.

If a murder or manſlaughter be done within precincts of the palace limited by ſtat. 33 H. 8. inquiſition to be taken by coroner of houſehold only.

And by whom.

But if a *murder* or *manſlaughter* be done *within* the precincts of the king's palace limited by the *ſtat.* 33 *H.* 8. *c.* 12. then by that ſtatute, the inquiſition ſhall be taken by *the coroner of the houſehold*, without the adjoining or aſſiſting of any coroner of any county, by 12 or more of the yeomen officers of the king's houſehold; and this is enacted to be as ſufficient as if taken alſo by the coroner of the county, and the method of the return and proceeding upon thoſe inquiſitions before the lord ſteward, is therein declared and enacted.

The enacting part of the ſtat. 33 H. 8. c. 12.

The ſtatute enacts, that all inquiſitions upon the view of perſons ſlain *within any of the king's palaces or houſes*, or *any other houſe or houſes*, at ſuch time *as his majeſty ſhall be there demurrant, or abiding*, in his royal perſon, ſhall be taken by the *coroner* for the time being of the *king's houſehold*, without any adjoining or aſſiſting of another coroner of any ſhire within this realm,

By the oath of, &c.

Returned by, &c.

by the oath of 12 or more of the yeomen officers of the king's houſehold *returned by the two clerks controllers, the clerks of the check and the clerks marſhals, or one of them*, for the time being of the ſaid houſehold *to whom the ſaid coroner*

*coroner of the ſaid houſehold ſhall direct his precept*; which coroner ſhall be from time to time appointed by the lord great maſter, or lord ſteward for the time being; and that the ſaid *coroner ſhall certify under his ſeal, and the ſeals of ſuch perſons as ſhall be ſworn before him, all ſuch inquiſitions before the ſaid lord maſter, or lord ſteward.*

## *Coroners of the County.*

THE coroner of the county is choſen by virtue of the king's writ *de coronatore eligendo*, directed to the ſheriff, commanding him *in full county, and with the aſſent of the ſame county, to elect a perſon coroner, who beſt knoweth and can intend the office, and do and keep thoſe things which concern the office of coroner in the county*(*a*).

Thro' all ſhires ſufficient men ſhall be choſen coroners.

By *ſtat.* 3 *Ed.* 1. *c.* 10. it is provided, That through all ſhires ſufficient men ſhall be choſen to be coroners, of the moſt *loyal* and moſt wiſe *knights*, which know, will, and may beſt attend upon ſuch offices, and which lawfully ſhall attach and preſent pleas of the crown.

None under degree of knight were choſen in antient times. But now men of ſubſtance and credit ſufficient.

In antient time, none *under* this degree were choſen, and *not* being a *knight*, was a ſufficient cauſe for the diſcharge of a coroner. 4 *Inſt.* 271. But as the chief intent of this ſtatute was to prevent the chooſing of perſons of *mean ability*, it ſeems the deſign of it is ſufficiently anſwered by chooſing men of *ſubſtance*, and *credit*; and as the conſtant uſage for ſeveral ages paſt has been accordingly, it ſeems to be no objection at this day, that the *perſon* choſen, is *not a knight*, 2 *Leon.* 260. 2 *Haw. P. C. c.* 9. *ſ.* 3.

(*a*) A coroner is *exempted* from ſerving on juries. *Dougl.* 191. In the county of *Middleſex* there are two coroners, one of whom lives eaſtward, the other weſtward.

By

To have land to answer.

By *ſtat.* 14 *E.* 3. *ſtat.* 1. *c.* 8. it is enacted, That no coroner be choſen, unleſs he have land *in fee* ſufficient in the ſame county, whereof he may anſwer to all manner of people. 2 *Inſt.* 175.

All coroners of counties to be choſen in the full counties.

By 28 *Ed.* 3. *c.* 6. it is enacted, That all coroners of the counties ſhall be choſen in the full counties, by the commons of the ſame counties, of the moſt meet and lawful people that ſhall be found in the ſame counties, to execute the ſaid office; ſave always to the king and other lords, who ought to make ſuch coroners, their ſeignories and franchiſes (*a*).

Saving to the king and others who ought to make coroners their rights.

Freeholders only to vote.

None but *freeholders* have votes. 2 *Haw. P. C. c.* 9. *ſ.* 10. 2 *Inſt.* 99. 2 *Roll. Abr.* 121.

The office does not determine by demiſe of king and county to anſwer for them.

Inaſmuch as their office is by election, their offices do not determine by the demiſe of the king. *Dy.* 165. *a.* Hence alſo, if they prove inſufficient to anſwer the fines and duties incumbent on them, the county, as their *ſuperior*, ſhall anſwer for them. 2 *Inſt.* 174.

In ſome counties 2, others more.

In ſome counties there be only 2 coroners, in ſome 4, in ſome 6, and by *ſtat.* 34 & 35 *H.* 8. *c.* 26. in each county in *Wales* and in *Cheſter two*. *Hal. P. C.* 56.

The writ de coronatore eligendo.

*George* the third, &c. To the ſheriff of *O.* greeting: Foraſmuch as *A. B.* eſq; late one of the coroners of your county, *is deceaſed*, we command you, that if it be ſo, then in your full county, by the aſſent of the ſame county, you cauſe *another coroner* to be choſen in the place of the ſaid *A. B.* (who having taken his oath as the manner is) may thereupon do, and keep, thoſe things which concern the office of a coro-

(*a*) The king may lawfully claim ſuch franchiſe by preſcription, and other lords may claim it by grant from the crown. 2 *Hale*, 53.

ner,

ner, in the ſaid county. And you ſhall cauſe ſuch an one to be choſen as *beſt knoweth* and *intendeth that office*; and certify unto us his name. Witneſs ourſelf at *Weſtminſter* the day of in the 39th year of our reign.

This writ is called a *writ cloſe*, becauſe it is cloſe folded up, and the wax is put round it. Whereas in a *writ patent*, tho' the writ be folded up, yet there iſſues a label from the ſame piece of parchment, which ſurrounds the writ, and is ſealed at the end of it. This writ is writ cloſe.

## *How to proceed on the Death of a Coroner.*

Upon the death of the coroner the firſt ſtep to be taken by the candidate, who wiſhes to apply for the writ, is to have an affidavit of the *death of the late coroner*, which is to be ſworn before a maſter in chancery in town, or if in the country, before a maſter extraordinary in chancery, the form of which will be thus:

*In Chancery.*

*Richard Right* of the pariſh of *C.* in the county of *O.* gentleman, maketh oath, and ſaith, that *Robert Brown* eſquire, late one of the coroners of the ſaid county, departed this life on or about the 20th day of *September* laſt paſt.

*R. Right.* Sworn, &c.

To be engroſſed on an affidavit ſtamp paper, as this affidavit muſt be *poſitive*, and not by way of information, or belief, it will be proper for the perſon who makes it, to ſee the deceaſed.

The affidavit when ſworn, is annexed to a petition of freeholders, who ſubſcribe the ſame.

To

*To the right honourable the lord high chancellor of Great Britain:*

Petition for the writ to be engroſſed on ſtamp'd paper.

The humble petition of us, whoſe names are hereunto ſubſcribed, on behalf of ourſelves, and others, freeholders of the county of *O.*

*Sheweth,*

That *Robert Brown* eſquire, late one of the coroners for the ſaid county of *O.* departed this life the 20th day of *September* 1799, as by the affidavit annexed appears. And that it will be for his majeſty's ſervice, and general good of the ſaid county, to have a proper perſon elected coroner, in the room and ſtead of the ſaid *Robert Brown* deceaſed.

Your petitioners therefore moſt humbly pray your lordſhip's order, that the curſitor of the ſaid county do make out a writ *de coronatore eligendo*, for the election of a new coroner, for the ſaid county of *O.* in the room and ſtead of the ſaid *Robert Brown* deceaſed. And your petitioners ſhall ever pray, &c.

This petition is to be ſubſcribed by *freeholders only*—gentlemen of diſtinction, and ſome of the commiſſion of the peace.

The petition where to be lodged.

The petition and affidavit is to be lodged with the clerk of the crown in chancery, in the rolls yard, and with whom the agent ſigns an undertaking prepared agreeable to the writ, engaging, "*that due notice ſhall be given in all the market towns, of the time and place for the execution of the writ ſix days before the execution.*" The clerk gets the writ ſealed, which is to be delivered to the ſheriff (*a*).

The ſheriff's duty, vide in Office of Sheriff, p. 273.

The ſheriff's duty in this reſpect, on receipt of the writ, is ſtated in p. 273, in the Office of

(*a*) The writ and return is to be filed in the petty bag office.

Sheriff,

Sheriff, with the precept and return. When the coroner is ſworn into the office, the buſineſs of the day is over; and the *coroner* is then in *full poſſeſſion* of his office. But he is ſtill to remember to *qualify* in due time purſuant to the act, by taking the *ſacrament* and *oath appointed* to be taken by ſheriffs and coroners, ſtated in p. 32, in the Office of Sheriff.

### *Of his Authority in taking Inquiſitions.*

When the *coroner* receives notice of a *violent death*, *caſualty*, or *miſadventure*; which regularly ought to be from the proper or *peace officer* of the *pariſh*, *place*, or *precinct where the body lies dead*, he is then to iſſue his precept or warrant to ſummon a jury to appear at a particular time and place, named, to inquire, when, how, and by what means the deceaſed came by his death; which warrant is directed to the peace-officers of the *pariſh*, *place*, or *precinct*, "*where the party lies dead*," and to *others* of the next adjoining *pariſhes*, &c. purſuant to the *ſtat.* 4 *Ed.* 1. *ſt.* 2. called the *ſtatute de officio coronatoris*, which enacts, that the *coroner*, upon information, ſhall go to the *place where any be ſlain*, or *ſuddenly dead or wounded*; and ſhall forthwith command four of the next towns, or five or ſix, to appear before him in ſuch a place; and when they are come thither, the coroner, upon the oath of them, ſhall inquire (*a*) in this manner, that is, to wit, 1. *If they know where the perſon was ſlain*; *whe-*

(*a*) If in an inquiſition *ſuper viſum corporis*, the year of our Lord in the caption is in common figures, it ſhall be quaſhed. It ſhould be in words at length, or at leaſt in Roman numerals. *Stran.* 261.

*ther*

*ther it were in any houſe, field, bed, tavern,* or *company,* and who were there.

Likewiſe it is to be inquired *who were culpable, either of the act or of the force; and who were preſent,* either *men or women, and of what age ſoever they be* (if they can ſpeak, or have any diſcretion).

And how many ſoever be found culpable by inquiſition, in any the manners aforeſaid, they ſhall be taken and delivered to the ſheriff, and ſhall be committed to the gaol; and ſuch as be founden, and be not culpable, ſhall be attached until the coming of the juſtices, and their names ſhall be written in the coroner's rolls.

2. *If it fortune any ſuch man to be ſlain,* which is found in the fields, or in the woods; firſt, it is to be inquired, whether he were ſlain in the ſame place or not.

And if he were brought and laid there, they ſhall do as much as they can to follow their ſteps that brought the body thither; whether he were brought upon an horſe, or in a cart; it ſhall be inquired alſo, *if the dead perſon were known,* or elſe a ſtranger, and *where he lay the night before.*

And if any be found culpable of the murder, the coroner ſhall immediately go into his houſe, and ſhall inquire what goods he hath, and what corn he hath in his grange; and if he be a *freeman,* they ſhall inquire how much land he hath, and what it is worth yearly; and further, what corn he hath upon the ground; and when they have thus inquired upon every thing, they ſhall cauſe all the land, corn, and goods to be valued in like manner, as if they

ſhould be ſold incontinently; and thereupon they ſhall be delivered to the whole townſhip, which ſhall be anſwerable before the juſtices for all.

And likewiſe of his *freehold*, how much it is worth yearly, over and above the ſervice due to the lord of the fee, and the land ſhall remain in the king's hands until the lords of the fee have made fine for it; and immediately upon theſe things being inquired, *the bodies of ſuch perſons being dead, or ſlain, ſhall be buried*: Burial.

3. In like manner it is to be inquired of them *that be drowned or ſuddenly dead*, and after ſuch bodies are to be ſeen, whether they were *ſo drowned or ſlain, or ſtrangled, by the ſign of a cord tied ſtraight about their necks, or about any of their members, or upon any other hurt found upon their bodies*; whereupon they ſhall proceed in the form aforeſaid; and if they were not ſlain, then ought the coroner to attach the finders, and all other in company.

4. Alſo all *wounds ought to be viewed, the length, breadth*, and *deepneſs*, and with what *weapons*, and in what part of the body *the wound or hurt is*, and how many be culpable, *and how many wounds there be, and who gave the wounds.* All which things muſt be inrolled in the roll of the coroners.

5. Alſo *horſes, boats, carts*, &c. *whereby any are ſlain*, that properly are called *deodands*, ſhall be valued and delivered unto the towns, as before is ſaid (*a*).

(*a*) 3 H. 7. *cap.* 1. *Every coroner, upon view of the dead body, ſhall inquire of the perſon that hath done the death or murder; alſo of their abettors and conſenters and who were preſent when it was done, and the names of the perſons ſo preſent and found ſhall inrol and certify.* Jenk. 202.

It

Coroner by the ſtat. is not reſtrained from any branch of his power.

It is obſervable that this ſtatute being wholly directory, and in affirmance of the common law, the coroner is not thereby reſtrained from any branch of his power, nor excuſed from any part of his duty, not mentioned in it, which was incident to his office before; and therefore though the *ſtatute* mentions *only inquiries of the deaths of perſons ſlain, drowned, or ſuddenly dead*, yet the coroner ought alſo to inquire *of the death of thoſe who die in priſon*; 2 *Hawk. P. C. c.* 9. *ſ.* 21. 3 *Inſt.* 52. *Stamf. P. C.* 51. to the end that the public may be ſatisfied, whether ſuch perſons came to their end by the common cauſe of nature, or by ſome unlawful violence, or unreaſonable hardſhips put on them by thoſe under whoſe power they were confined.

An inquiſition by the oaths of *lawful* men ſufficient.

An inquiſition of death, by the oaths of *lawful men of the county, is ſufficient*, without ſaying they were of the next towns; ſo that it appears *at what place*, and *by what jurors by name*, it was taken, and that ſuch *jurors were ſworn*. 2 *Hawk. P. C. c.* 9. *ſ.* 22. 1 *Sid.* 204. *Cro. Eliz.* 31.

Inqueſt to be taken on the view of the body.

It is clearly agreed, that the inqueſt ſhall be taken *on the view of the dead body*, altho' the *ſtatute* be ſilent in this matter; and that an inqueſt *otherwiſe taken* by the coroner is void. *Ibid. ſect.* 23.

Where the body cannot be found, or is ſo putrified that a view would be of no ſervice, in ſuch caſes, it ſhall be taken by juſtices, &c.

Therefore where the body *cannot* be found, or is ſo *putrified*, that a view would be of no ſervice, the *coroner* without a ſpecial commiſſion cannot take the inqueſt; but in ſuch caſes, it ſhall be taken by juſtices of the peace, or other juſtices authorized by the teſtimony of witneſſes. *Vent.* 352. *Hawk. P. C. c.* 9. *ſ.* 25.

If

If the coroner take his inquiſition on view of the body, after long putrefaction, it is in the diſcretion of the court of *K. B.* whether they will receive it or not. *R.* v. *Cauſey, Hil.* 3 *Geo.* 2. 1 *Bac. Abr. in not.* 753.

If a dead body, whereon an inqueſt ought to be taken, be interred, or ſuffered to putrify, before the coroner hath viewed it, the gaoler or townſhip ſhall be amerced. *Stamford's Pl. Cr.* 51. (*a*)

If interred before inqueſt.

Alſo it hath been reſolved, that a coroner may lawfully, *within convenient time after the death*, take up a dead body out of the grave, in order to view it, not only for the taking of an inqueſt, where none hath been taken before, but alſo for the taking of a good one, where an inſufficient one hath been taken before. *Ibid.* 52. *Bro. Coron.* 167. As the ſpace of 14 days. 2 *Haw. P. C. c.* 9. *ſ.* 23. *Vide Carth.* 72.

May in a convenient time take up a dead body.

It is *not* neceſſary that the inquiſition be taken in the very *ſame place where the body was viewed*; and it hath been reſolved, that an inquiſition taken at *D.* on the view of the body lying dead at *L.* may be good. 2 *Hawk. c.* 9. *ſ.* 25. *Latch*, 166. *Popb.* 209.

Inquiſition need not be taken in the very ſame place, where body viewed.

The coroner cannot inquire of any acceſſaries *after* the fact. *Moor*, 29. *pl.* 95. But he may make inquiry of the acceſſaries *before* the fact, and alſo whether any ſo guilty have fled for the ſame. 2 *Hawk. c.* 9. *ſ.* 27.

What inquiries he may make.

A coroner may, and ought to inquire of all circumſtances of the party's death, and

He is to inquire of all circumſtances.

(*a*) It is indictable as a miſdemeanor, to bury the body before, or without ſending for the coroner. 1 *Salk.* 377.

alſo of all things which occaſioned it; *Allen*, 51.; and therefore it is ſaid, that if it be found by his inqueſt, that the perſon deceaſed was killed *by a fall from a bridge into a river*, and that the bridge was *out* of *repair* by the default of the inhabitants of ſuch a town, and that *thoſe* inhabitants are bound to repair it, the townſhip ſhall be amerced. *ſ.* 28.

If any perſon be ſlain or murdered in the day, and the murderers eſcape,

By *ſtat.* 3 *H.* 7. *c.* 1. If any perſon be ſlain or murdered in the day, and the murderer eſcape untaken, the townſhip where the ſaid deed is ſo done ſhall be amerced for the ſaid eſcape, and that the coroner have authority to inquire thereof upon the view of the body. And that if any coroner be remiſs and make not inquiſitions upon the view of the body dead, he ſhall forfeit for every default 100 *s.*

If coroner be remiſs in duty.

After felony found, coroners to deliver inquiſitions, &c.

That after the felony found, the coroners deliver their inquiſition before the juſtices of the next gaol-delivery, in the ſhire where the inquiſition is taken; the ſame juſtices to proceed againſt ſuch murderer if they be in gaol, or elſe the ſame juſtices to put the ſame inquiſitions afore the king in his bench: and if any coroner do not in ſuch manner certify his inquiſition, he ſhall forfeit 100 *s.* by ſame ſtat.

Coroner upon any inquiſition before him found, ſhall put in writing the effect of the evidence given, and bind over witneſſes.

By the 1 & 2 *Ph. & M. c.* 13. *ſ.* 5. Every coroner upon any inquiſition before him found whereby any perſon ſhall be indicted *for murder* or manſlaughter, or as acceſſary before the offence committed, ſhall put in writing *the effect of the evidence given to the jury before him, being material*; and ſhall bind over the witneſſes by recognizance or obligation to the *next general gaol delivery* to be holden for the county, city

or town corporate where the trial ſhall be, then and there to give evidence againſt the party ſo indicted at the time of trial, and ſhall certify as well the ſame evidence as ſuch recognizance, bond or bonds in writing, as he ſhall take together with the inquiſition or indictment before him taken and found, at or before the time of his ſaid trial, on pain of being fined by the court and eſtreat the ſame.

Hale's diſtinction touching the examination taken by juſtices of the peace and coroner.

Sir *Matthew Hale* ſays, the difference of penning this act, touching the examination taken by the juſtices of the peace and the coroner, is obſervable: the juſtices of the peace are to put into writing *the information againſt the felon of the fact and circumſtances* thereof, *or ſo much thereof* as ſhall be *material to prove the felony*; but the coroner is to put into writing *the effect of the evidence given to the jury before him, being material*, without ſaying, *ſo much as is material to prove the felony*, but the whole evidence given, whether to prove or diſprove the felony; and *all* this evidence is to be upon oath, before the coroner's inqueſt, whether it make for or againſt the priſoner. 2 *Hal. P. C.* 61.

Coroner to put in writing evidence.

Coroner's inqueſt to hear the evidence on oath.

So that I do conceive the *coroner's inqueſt* ought in all caſes to hear the evidence upon oath, *as well that which maketh for*, as *that which maketh againſt the priſoner*, and the *whole* evidence ought to be returned with the inquiſition. *Ibid.* 62.

Preſentment or inquiſition found by grand jury at aſſizes quaſhed; tho' the coroner did not take one.

A preſentment or inquiſition found by the *grand jury* at the general ſeſſions of *oyer* and *terminer* for the county of *York*, was quaſhed. In this caſe the coroner had not taken any inquiſition at all upon the death, ſo that the

lord of the manor finding himſelf likely to loſe his *deodand*, had made this application to the aſſizes, where the grand jury found the inquiſition or preſentment, which was afterwards removed to the *B. R.* by *certiorari*. *Rex* v. *Killinghall*, 1 *Burr.* 17. *Vide* 4 *Inſt.* 196, 7, 8. where lord *Coke* condemns *ſecret inqueſts*, and *offices*.

This is an office of *intitling*, and therefore ought to be *publicly* and *openly* found. 1 *Burr.* 19.

No power to take any indictment except of death.

According to ſome opinions, a coroner, *ex officio*, hath *no* power to take any *indictment*, except of the death of a man. *Stamf. P. C.* 51. 4 *Inſt.* 271. 2 *Inſt* 147. *Hal. P. C.* 65.

*Miſadventure.*

By 1 *H.* 8. *c.* 7. If any coroner ſhall not endeavour himſelf to do his office upon any perſon dead by *miſadventure*, he ſhall forfeit 40 *s.*

## *Perſons dying in Gaol.*

Priſon.

THE coroner ought alſo to inquire of the death of all perſons who die *in priſon*; that it be known whether they died by violence, or any unreaſonable hardſhips; for if a priſoner, by the dureſs of the gaoler, comes to an untimely death, it is murder in the gaoler, and the law implies malice in reſpect of the cruelty. 3 *Inſt.* 52. 91.

Who jury are to be.

And this inqueſt upon priſoners ought to conſiſt of a party jury, that is, ſix of the priſoners (if ſo many there be) and ſix of the next *vill* or *pariſh*, not priſoners. *Umfrev.* 212. 213.

If death happen in K. B.

If a death happen in the *king's bench* priſon, the clerk of the crown, who is the co-

roner

roner for that court, is to view the body. 8 *E.* 2. *Coron.* 421. 2 *Hal. P. C.* 58.

If a priſoner in gaol die a *natural* death, yet regularly the gaoler ought to ſend for the coroner, to inquire, becauſe it may be poſſibly preſumed, that the priſoner died by the ill uſuage of the gaoler. *Ib.* 57. If priſoner die natural death.

## *Treaſure-trove.*

THERE ſeems to be no doubt but that the coroner may and ought to inquire of *treaſure-trove*; concerning which it is enacted by *ſtat.* 4 *Ed.* 1. *de officio coronatoris*, "That a coroner "being certified by the king's bailiffs, or "other honeſt men of the county, ſhall go to "the places where treaſure is ſaid to be "found." And it is farther enacted, "A "coroner ought alſo to inquire of treaſure "that is found, who were the finders, and "likewiſe who is ſuſpected thereof." And that may well be perceived, where one liveth riotouſly, haunting taverns and hath done ſo of long time; hereupon he may be attached for this ſuſpicion by four or ſix or more pledges, if he may be found. *Haw. P. C.* 115.

It is alſo ſaid a coroner may inquire of royal fiſhes, as ſturgeons, whales, &c. *Stamf. P. C.* 51.

## *With reſpect to receiving an Appeal for Felony.*

THE coroner in the county-court may receive an appeal of any felony or mayhem, upon the plaintiff's finding ſufficient pledges to the ſheriff for the proſecution of the ſuit. *Stat.* 4 *E.* 1.

The appeal ſince the *ſtat. Weſt.* 1. *c.* 10. is to be commenced before the ſheriff and coroner, for the ſheriff muſt be preſent in order to take a counter-roll of the proceeding, that ſtatute ordaining, that the ſheriff ſhall have counter-rolls with the coroners. *Haw. P. C.* 115. But it ſeems that the ſheriff, by virtue of this ſtatute, is no more a judge of the matter than he was before; and therefore where it is ſaid by the *ſtatute* of 3 *H.* 7. *c.* 1. that an appeal of felony may be commenced before the ſheriff and coroners of the county where it was done, it ſeems reaſonable to intend the meaning of the ſtatute to be, that it may be commenced before them in the ſame manner as before, and not without expreſs words to make any alteration of the juriſdiction given them by the common law. *Ibid.*

But the coroner has no power to receive a bill of appeal of any offence done out of the county whereof he is coroner, becauſe the offender cannot be tried out of the county. But it is agreed, that he may receive the appeal of an approver, or take the abjuration of one who acknowledges a felony done by him in any county, becauſe that after ſuch confeſſion, there is no need of any trial. *Ibid.* 116. (*a*)

Proceſs may be awarded in the county-court on ſuch appeals till the exigent. *Ibid.* But it ſeems queſtionable, whether ſuch proceſs may properly be ſaid to be awarded by the ſheriff and coroner jointly, ſince the coroner being the only judge, it ſeems to be moſt proper that the proceſs be awarded by him only. *Ibid.*

(*a*) No ſheriff, conſtable, or coroner ſhall hold pleas of the crown. *Mag. Charta*, *c.* 17.

It

It is not clear that the above ſtatute doth reſtrain him from awarding an exigent, and thereon outlawing an appellee. *Haw. P. C.* 116.

There is no doubt but the appeal may be removed into the *king's bench* or *chancery*, by *certiorari* directed to the coroners and ſheriff, but not to the ſheriff only, becauſe the coroner is the judge. *Ibid.*

There is no doubt that the coroner alone may receive ſuch appeal, whether the offence be committed in the ſame or in any other county, and may alſo award proceſs to the ſheriff againſt the appellee, being in the ſame county, till it comes to the *exigent*. But not to a foreign county, but muſt leave it to the juſtices of gaol delivery or others, before whom the appeal is afterwards recorded, who ſhall award proceſs. *Ibid.*

## *Of traverſing and quaſhing Inquiſitions.*

THE law gives ſuch credit to an inquiſition of death, found before the coroner, that *antiently* the judges would not receive a verdict acquitting a priſoner of the death of a man found againſt him by the coroner's inqueſt, unleſs the jury finding ſuch aquittal had alſo found what other perſon did the fact (*a*), or by what other means the party came to his death; becauſe it appeared by the coroner's view, on record, that a perſon was killed. 13 *Ed.* 4. *c.* 3. *pl.* 7. But this doctrine is now exploded. 2 *Haw. P. C. c.* 9. *ſ.* 33. *Stamf.* 181.

Formerly the judges would not receive a verdict acquitting a priſoner of the death of a man, unleſs they found who did the fact; but now exploded.

(*a*) This is commonly a buſineſs of form; and if the fact be not known, the jurors uſually ſay, that it was done by perſons unknown. 2 *Hal. P. C.* 301.

If a perſon were ſlain, and it were found that I. S. fled, he forfeited his goods; but this law is now exploded.

Alſo it has been formerly holden, that if a perſon were ſlain, and upon the coroner's inqueſt *ſuper viſum corporis* it were found that *I. S. fled*, though *I. S.* were afterwards acquitted both of the felony and flight, yet he forfeited his goods; for the coroner's inqueſt is ſo ſolemn, that it is not traverſable: alſo, when the goods are once lawfully veſted in the king by that inqueſt, the property in them cannot be deveſted, 5 *Co.* 109. 2 *Inſt.* 147. But Serjeant *Hawkins*, *vol.* 2. *c.* 9. *ſ.* 54. ſays, this opinion is harſh and unreaſonable, that a man ſhall be liable to forfeit all his goods, which may perhaps be all that he is worth, by an inqueſt *taken in his abſence*, without either hearing him, or giving him an opportunity of defending himſelf.

Coroner's record of an abjuration, or of confeſſion of a felony.

The coroner's record of an abjuration, or of the confeſſion of breaking priſon, or of the confeſſion of a felony by an approver, eſtops the party, not only traverſing the confeſſion, but alſo from alledging that it was taken from him by *dureſs*, &c.; and it is ſaid, that if the party plead that he is not the ſame perſon, he ſhall be concluded by the coroner's recording that he is the ſame perſon: yet in theſe caſes it ſeems, that the judge may in diſcretion, to inform his conſcience, take an inquiry, *from the people living next the place*, of the whole circumſtances of the matter. 2 *Haw.* *c.* 9. *ſ.* 52. and authorities cited.

Where the townſhip cannot traverſe the inquiſition.

If it be found by a coroner's inqueſt that a murder was committed in ſuch a town, and that the murderer eſcaped untaken, the townſhip cannot traverſe ſuch eſcape, becauſe it makes them

them only liable to an amercement, *et de minimis non curat lex.* 2 *Haw. P. C. c.* 9. *ſ.* 53.

Alſo it is ſtrongly holden in ſome books, that an inqueſt of *ſelf-murder*, found before a coroner, *cannot be traverſed*; but the contrary opinion being alſo holden by books of *as great authority*, and ſeeming alſo to be more agreeable to the general tenor of the law, in other caſes, it ſeems to be the better opinion, that ſuch inqueſt being moved into the king's bench by *certiorari*, may be there traverſed by the executor, or adminiſtrator, of the perſon deceaſed; or, in caſe the coroner's inqueſt find him to be a lunatic, by the king or the lord of the manor. 2 *Lev.* 141. 2 *Haw. P. C. c.* 9. *ſ.* 55. and authorities there cited. *Skin.* 45. *pl.* 16.

Bro. Cor. 253. 2 Lev. 141.

Freem. Rep. 443. pl. 608.

The court will not oblige the coroner to return the depoſition taken upon an inquiſition of *felo de ſe*, if there be *nothing* depending before them to make it neceſſary. 2 *Str.* 1073.

Return of depoſitions of felo de ſe.

If a coroner appear to have been corrupt in taking an inqueſt, it ſeems that a *melius inquirendum* ſhall go to ſpecial commiſſioners, who ſhall proceed not *on view*, but upon *teſtimony*, and the coroner ſhall have nothing to do with ſuch inqueſt. 3 *Mod.* 80. 100. 238. *Salk.* 190. *Cro. Eliz.* 371. But where his inqueſt is quaſhed for want of form only, he ſhall take a new one, in like manner as if he had taken none before. 2 *Roll. Abr.* 32. *pl.* 5. *Salk.* 190.

Melius inquirendum.

If coroner's inqueſt be quaſhed.

The coroner's inqueſt found *A. felo de ſe*, his executors prayed that they might traverſe it, which was granted by *Hale*, *Twiſden*, and *Wild*, *ſilente Rainsford*, for the coroner's inqueſt finding *felo de ſe* is traverſable, though *fugam fecit* is not. 2 *Lev.* 152. *Rex* v. *Aldenham.*

A verdict of felo de ſe is traverſable, fugam fecit not.

The

The reaſon why fugam fecit is not traverſable.

The reaſon why an inquiſition that finds a *fugam fecit* is not traverſable, is, becauſe all the parties that were preſent at the death of the party are bound to attend the coroner's inqueſt, and their not appearing there is a flying in law, and cannot be contradicted; but that reaſon does not hold in a *felo de ſe*. *Hale* C. J. *Frem.* 419. *pl.* 556.

So felo de ſe and non compos mentis.

An inquiſition before the coroner taken *ſuper viſum corporis*, that finds the perſon was *felo de ſe, et non compos mentis*, may be traverſed; but the *fugam fecit* cannot. *Vent.* 278.

When coroner may take a new inquiſition.

If a coroner take an inquiſition *ſuper viſum corporis*, (as upon a *felo de ſe*,) and that is ſent into the king's bench and quaſhed, the coroner may take a new inquiſition *ſuper viſum corporis*. 2 *Hal. P. C.* 59. But upon a ſurmiſe, that the coroner ought to have found him *felo de ſe*, and hath not, there ſhall go no *melius inquirendum* directed to the ſheriff. And *Hale* C. J. ſays, I have known it often denied, and it was held, it was within the reſtraint of the *ſtat.* 28 *Ed.* 3. *c.* 9.

Not upon a ſurmiſe only.

## *Where the Act of one Coroner ſhall be as effectual as if done by all.*

WHEREVER coroners are authorized to act *as judges*, as in the taking of an *inquiſition of death*, or receiving an appeal of felony, &c. the act of any *one* of them who firſt proceeds in the matter is of the ſame force as if all had joined in it (*a*): but it is ſaid, that *after* ſuch proceeding by any *one* of them, the act of *any other*

(*a*) Tho' there be many coroners in the county, an inquiſition *ſuper viſum corporis* may be taken *by any one of them*. 2 *Hal. P. C.* 56. *cites Stamf. P. C.* 53. *a.*

will

will be void. 2 *Hal.* 59. Alſo it is certain, that where coroners are empowered to act only *miniſterially*, as in the execution of a proceſs directed to them, upon the default or incapacity of the ſheriff, all their acts will be void wherein they do not *all join*. *Stamf. P. C.* 53. *a. Hal. P. C.* 58.

*One* coroner may execute the *writ*, as in the caſe of an *exigent*: but if there be *more* coroners than *one* for the county, the *return* muſt be in the name of *all*. 2 *Hal. P. C.* 56.

One coroner may execute writ, but *all* muſt return.

The taking of an inquiſition cannot be done by deputy, for by *ſtat.* 14 *E.* 1. the coroner is to view the body, and take the inquiſition in his own perſon. *Cromp. Juſt.* 227. *a.* 2 *Hal. P. C.* 58.

Cannot take an inquiſition by deputy.

In the caſe of proceſs to coroners, upon any diſability in the ſheriff, the ſheriff is no longer conſidered as an officer of the court in that ſuit. And the coroners may do *all* ſuch lawful acts as the ſheriff himſelf might have done, and he may take the *poſſe comitatus*. *Hob.* 85.

In the caſe of proceſs to coroners upon diſability of ſheriff.

If the ſheriff be ſued, the writ is to be directed to the coroners.

If ſheriff be ſued.

If there be *above two* coroners in a county, and a writ be directed *to the coroners*, though *one die*, the other may execute, but if *one* only ſurvive, he can *neither* execute *nor* return the writ till another be made. 2 *Hal. P. C.* 56. *Cro. Jac.* 383. *F. N. B.* 163.

If above two, and one die, the other may execute writ. But if one only ſurvive.

Where the ſheriff and coroners of particular places, and liberties, have been all challenged, in all caſes *eliſors* have not been appointed, but *venires* have been directed to the ſheriff of the county at large, to ſummon a jury from the next

Where ſheriff and coroners are all challenged, eliſors are appointed.

next adjacent viſne. *Bendl.* 23. And two eliſors at leaſt ought to be appointed. *Dy.* 367.

The ſame challenges made to the ſheriff, may be made to coroners.

The ſame challenges that may be made to the ſheriff, may alſo be made to the coroners; in which caſe if *all* the coroners be challenged, the *venire* may then be awarded to *eliſors*, who are always choſen and appointed by the court by rule, to return the jury.

## *Of Fees that he may lawfully take.*

No coroner to demand fee.

By *ſtat. Weſt.* 1. *c.* 10. it is enacted, That no coroner demand any thing of any man to do his office, upon pain of great forfeiture to the king: which was made in affirmance of the common law. 2 *Inſt.* 176.

Coroner may now take fee on inquiſition taken on view of perſon ſlain.

But by 3 *H.* 7. *c.* 1. it is enacted, That a coroner have for his fee, upon every inquiſition taken upon the *view* of a body ſlain, 13 *s.* 4 *d.* of *the goods and chattels of the ſlayer or murderer*, if he have any goods; and if he have *no* goods, of ſuch amercements as ſhall fortune any townſhip to be amerced for the eſcape of the murderer, &c.

On requeſt made to coroner to inquire on view of body ſlain, drowned, &c. he ſhall do his office without fee.

But coroners endeavouring to extend this ſtatute to perſons ſlain by *miſadventure*, it was enacted, by 1 *H.* 8. *c.* 7. That upon a requeſt made to a coroner to come and inquire upon the view of any perſon ſlain, drowned, or otherwiſe dead by misfortune, the ſaid coroner ſhall diligently do his office, without taking any thing therefore, upon pain to every coroner that will not endeavour himſelf to do his office (as aforeſaid), or that taketh any thing for doing his office, upon every perſon dead by miſadventure, for every time 40 *s.*

To

To the intent, however, that coroners may be encouraged to execute their office with diligence and integrity, *it is enacted, by ſtat.* 25 *Geo.* 2. *c.* 29. That for every inquiſition, not taken upon the view of a body dying in a gaol or priſon, which ſhall be duly taken in *England* by any coroner in any townſhip or place *contributing to the* rates directed to be levied by 12 *Geo.* 2. *c.* 29. he ſhall have 20 *s.*, and for every *mile* which he or they ſhall be compelled to travel, from the uſual place of his or their abode, to take ſuch inquiſition, the *further ſum of nine pence* over and above the ſaid ſum of 20 *s.* ſhall be paid to him or them, out of the monies ariſing from the rates before mentioned, by order of the juſtices of the peace in their general or quarter ſeſſions aſſembled, for the county, &c. where ſuch inquiſition ſhall have been taken, or the major part of them; and which order the ſaid juſtices or the major part are authorized and directed to make, for which no fee or reward ſhall be paid to the clerk of the peace or any other officer.

Upon every inquiſition, not taken on view of body dying in priſon, which ſhall be taken in any townſhip or place contributory to the county-rates directed by 12 *Geo.* 2. *c.* 29. he ſhall have 20 *s.*, and 9 *d.* a mile for travelling expences.

And by the ſame ſtatute, That for every inquiſition which ſhall be duly taken upon the *view* of a body dying in any gaol or priſon in *England*, by any coroner or coroners of a county, ſo much money, not exceeding the ſum of 20 *s.*, ſhall be paid to him or them, as the juſtices of the peace in their general or quarter ſeſſions aſſembled, for the county, riding, or diviſion wherein ſuch gaol or priſon is ſituate, or the major part of them, ſhall think fit to allow as a recompence for his or their labor, pains, and charges, in taking ſuch inquiſition, to be paid in like manner, by order of the ſaid juſtices or the major part of them, out of the

Inquiſition taken on view of body in gaol or priſon.

the monies as aforeſaid, and for which order no fee or reward ſhall be paid to the clerk of the peace or any other officer. *ſ.* 2.

Provided. Provided, that over and above the recompence hereby limited and appointed for inquiſitions taken as aforeſaid, the coroner or coroners who ſhall take an inquiſition upon the *view* of the body ſlain or murdered ſhall alſo have the fee of 13 *s.* and 4 *d.* payable by 3 *H.* 7. out of the goods and chattels of the ſlayer, or out of the amercement impoſed upon the townſhip, if the ſlayer and murderer eſcape. *ſ.* 3.

Provided, that no coroner to whom any benefit is given by this act ſhall by colour of his office, or upon any pretext whatſoever, take for his office doing, in caſe of the death of any perſon, any fee or reward other than the ſaid fee of 13 *s.* and 4 *d.* limited as is aforeſaid by the ſaid act 3 *H.* 7. and other than the recompence hereby limited and appointed, upon pain of being guilty of extortion. *ſ.* 4.

To avoid a preſentment being made that the pariſh has not made hue-and-cry purſuant to the ſtatute, the conſtable or pariſh-officers generally pay the fee of 13 *s.* and 4 *d.* upon the finding of the jury of a flight, and no goods; without a finding of a neglect of hue-and-cry; which is a ſaving to pariſhes. *Umfrev.* 261. *in not.*

Coroners of the king's houſehold and others not contributing to the county rates ſhall not be entitled to the benefit of this act, but to have only their old fees.

Provided, that no coroner of the *king's houſehold*, and of the *verge* of the *king's palaces*; nor any coroner of the *admiralty*; nor of the county *palatine of Durham*; nor of the city of *London* and *borough of Southwark*; nor any of the *franchiſes* belonging to the ſaid city; nor any coroner of any city, borough, liberty, or franchiſe,

chiſe, which is not contributing to the rates directed by 12 *Geo.* 2. *c.* 29. or within which ſuch rates have not been uſually aſſeſſed, ſhall be entitled to any fee, recompence, or benefit given to or provided for coroners by this act; but they ſhall have ſuch fee and ſalaries as they were allowed before this act, or as ſhall be allowed by the perſons by whom they have been appointed. *ſ.* 5.

Coroners not contributing to county-rates not to have fees.

The coroners of *franchiſes*, who do *not contribute to the county-rates*, are not entitled to the fees given by *ſtat.* 25 *Geo.* 2. *c.* 29. or to *any* fees to be paid by the county. *Rex* v. *the Juſtices of the Weſt Riding of Yorkſhire*, 7 *Term Rep.* 52.

As to the application to the ſeſſions for his fees.

If the coroner requeſt the ſeſſions to make an order for his fees, and they refuſe, he may apply for a *mandamus*, but he muſt alledge in the writ, *all thoſe facts which are neceſſary to ſhew that he was entitled to the relief prayed, and that he had a right to call on the magiſtrates to do that, for their non-performance of which he ſued out this compulſory writ. Ib.*

Juſtices of aſſize may puniſh coroners for extortion.

By *ſtat.* 1 *H.* 8. *c.* 7. Juſtices of aſſize and juſtices of peace, within the county, have power to inquire of and puniſh the defaults of coroners. *ſ.* 2.

## *Of diſcharging the Coroner, and for what Miſdemeanors puniſhed.*

If any coroner be ſo far engaged in any *other* public buſineſs in the county, that he cannot have leiſure enough to attend his office of a coroner; or if he be choſen verderor of a foreſt; or if he have not ſufficient lands in the ſame

ſame county whereon to live according to his ſtate and degree; or if he be diſabled, either by *old age* or any inveterate diſeaſe, as the palſy or the like, to execute his office as he ought; and, as ſome ſay, if he follow any *common trade*, he may be diſcharged by the writ *de coronatore exonerando*, which being directed to the ſheriff, after a recital of the particular cauſe of the diſcharge of ſuch coroner, commands him to cauſe another to be choſen in his room. *F. N. B.* 163. *Stamf. P. C.* 48. 2 *Inſt.* 32.

8 *Rep.* 41.

That by chuſing *another*, the power and authority of the *firſt ipſo facto* ceaſes.

Court will not ſuffer writ to iſſue for removal but on affidavit, &c.

As it is an office of freehold, the court of *chancery* will not ſuffer this writ to iſſue, but on affidavit that "*the coroner, intending to be* "*removed, hath been ſerved with notice of the* "*petition for it.* 3 *Atk.* 184.

May be removed for reaſonable cauſe.

As coroners may be elected by writ *de coronatore eligendo*, ſo they may be amoved for reaſonable cauſe, and new ones choſen in their room by writ. And altho' that cauſe be not traverſable, 5 *Co. Rep.* 58. *b.* yet if it be falſe, he may have a *ſuperſedeas* to that writ. *F. N. B.* 163. 2 *Hal. P. C.* 56.

If writ for removal be grounded on falſe ſuggeſtion.

If the writ *de coronatore exonerando*, be grounded on an untrue ſuggeſtion, the coroner may procure a commiſſion from the *chancery* to inquire of the truth of it, and to return the inquiry before the king into *chancery*; and if upon ſuch commiſſion the ſuggeſtion be diſproved, the king may make a *ſuperſedeas* to the ſheriff, that he do not remove ſuch coroner, or if he have removed him, that he ſuffer him to execute the office as he did before.

before. *Regiſter*, 117. *b. Stam. P. C.* 49. *F. N. B.* 164.

If a coroner be remiſs in coming to do his office, when he is ſent for, &c. he ſhall be amerced, by virtue of the *ſtat. de coronatoribus*. *Salk.* 377. If he return a wrong preſentment an information will be granted againſt him. *Comb.* 386. So if he impoſe an improper inquiſition upon the jury, he will be committed. 1 *Str.* 69.

If remiſs in doing his office.

If he return a wrong preſentment.

By *ſtat.* 3 *H.* 7. *c.* 1. If any coroner be remiſs, and make not inquiſition upon the view of the body ſlain, or murdered, he ſhall forfeit for every default 100*s.*

If he make no inquiſition.

And by 1 *H.* 8. *c.* 7. it is enacted, That if any coroner ſhall not endeavour himſelf to do his office, upon any perſon dead by *miſadventure*, he ſhall forfeit 40*s.*

Miſadventure.

Alſo by 3 *H.* 7. *c.* 1. it is enacted, That if any coroner do *not* certify his inquiſition, he ſhall forfeit 100*s.* (*a*)

Not certifying an inquiſition.

By *ſtat.* 25 *Geo.* 2. *c.* 29. If any coroner who is not appointed by virtue of an annual election, or nomination, or whoſe office of coroner is not annexed to any other office, ſhall be lawfully convicted of extortion, or wilful neglect of his duty, or miſdemeanor in his office, it ſhall be lawful for the court before whom he ſhall be ſo committed to adjudge that he ſhall be amoved from his office; and thereupon, if ſuch coroner ſhall have been elected by the *freeholders of any county*, a writ ſhall iſſue for the amoving him from his office, and

Coroner convicted of miſdemeanor in his office to be amoved.

Court may move him from office.

(*a*) He is to return his inquiſition at the next gaol delivery; and becauſe he did not, court diſcharged him, and ſet a fine of 100 *l.* *Keb.* 280. *pl.* 81. *Rex* v. *Ld. Buckhurſt.*

electing another coroner in his ſtead, in ſuch manner as writs for the amoval or diſcharge of coroners, and for electing coroners in their ſtead, are in any caſes already directed by law; and if the coroner ſo convicted ſhall have been appointed by the lord or lords of any liberty or franchiſe, or in any other manner than by the election of the freeholders of any county, the lord or lords of ſuch liberty or franchiſe, or the perſon or perſons entitled to the nomination or appointment of any ſuch coroner, ſhall, upon notice of ſuch judgment of amoval, nominate and appoint *another* perſon to be coroner in his ſtead. *ſ.* 6.

If coroner ſo convicted be appointed by a lord of franchiſe, &c. they ſhall appoint a new one.

## *Of ſudden violent Deaths, which are all within the Coroner's Office to inquire, and Inquiſitions.*

Of ſudden deaths.

*Sudden* violent deaths are of theſe kinds: 1. *By the viſitation of God:* 2. *By misfortune,* where no other had a hand in it; as, if a man fall from a horſe or cart: 3. By his own hand, as *felo de ſe:* 4. By the hand of another man, where the offender is not known, 5. By the hand of another, where he is known, whether by murder, manſlaughter, *ſe defendendo,* or *per infortunium.* 2. *Hal. P. C.* 62.

Dying ſuddenly.

1. The dying ſuddenly is *not* to be underſtood of a fever, apoplexy, or other viſitation of God, for then the coroner might be ſent for in every caſe. *Umfreville,* 208.

By viſitation of God.

If the inquiſition find, that he died *by the viſitation of God,* there is no more to be done, only the inquiſition, together with the examinations, are to be returned to the next gaol delivery. 3 *H.* 7. *c.* 1.

2. If

2. If the inqueſt find the death *per infortunium* ſimply, as a *fall, &c.* then the coroner is to take the examination, and return the ſame with the inquiſition *to the next gaol delivery*, and to inquire of the *deodand*, and the value, and in whoſe hands, and to ſeize and deliver the ſame to the townſhip, to be anſwerable for the ſame to the king, by *ſtat.* 4 *Ed.* 1. *de officio coronatoris.*

If inquiſition find per infortunium.

But if the perſon were *drowned* in a *pit*, the coroner ſhall command the vill to ſtop it; and if it be not done, the *vill* ſhall be amerced in *eyre*, or before juſtices of gaol delivery. 8 *E.* 2. *Coron.* 416.

But if drowned.

That in no caſe the coroner ſets any fine or amercement, as for non-appearance of juries, or conſtables, eſcapes of townſhips, &c. but only preſents it *to the next gaol delivery*, and *they* impoſe the fine. 2 *Hal. P. C.* 62.

In no caſe can the coroner ſet fine or amercement, but preſents ſame.

3. If the inqueſt find a man *felo de ſe* (who is one that puts an end to his own exiſtence, or commits any unlawful malicious act, the conſequence of which is his own death; as, if attempting to kill another, he runs upon his antagoniſt's ſword; or, ſhooting at another, the gun burſts and kills himſelf, 1 *Haw. P. C.* 68. 4 *Black. Com.* 189.) they ought to find the *ſpecial matter*, and alſo what goods and chattels he had, of what value, and ſeize and deliver the ſame to the townſhip, to be anſwerable to the king or his almoner, or the lord of the franchiſe, to whom they belong, and ſhall bind over the firſt finder of the body to the next gaol delivery. 2 *Hal. P. C.* 62.

If inqueſt find a man felo de ſe, what they ought alſo to find.

4. If the party be ſlain and the felon is *not known*, they are to find their inquiſition accordingly,

If party be ſlain and felon not known, how to find.

ingly, and ſhall bind over the *firſt finder of the body* to the next gaol delivery, and return his examinations together with his inquiſition, by *ſtat.* 1 & 2 *P.* & *M. c.* 13. 2 *Hal. P. C.* 63.

But if he was ſlain and perſon known.

5. But if the perſon was ſlain, and the party that did it was known, and the inquiſition found him guilty of the death, or that he died by his hand, there were theſe proceedings; namely,

The inqueſt were alſo to inquire of all that were *preſent*, *aiding*, and *abetting*.

They ſhall alſo inquire of all acceſſaries *before the fact*; but they cannot inquire of *acceſſaries after*. Ibid.

If guilty as principal or acceſſary. 2 Hal. P. C. 63.

If they find him guilty as *principal* or *acceſſary before* the *fact*, they are alſo to inquire whether *he fled* for the ſame: if the inquiſition find that he fled, it is a forfeiture of his goods; but by *ſtat.* 1 *R.* 3. *c.* 3. they cannot be ſeized *before* he be *convicted* of the felony.

If perſons be found guilty by the inqueſt, coroner to commit, &c.; if not found, not to proceed to outlawry, but certify the inquiſition.

If the perſons that are found guilty by the inqueſt be taken, the coroner may and muſt commit them to the ſheriff, and he is to ſend them to the gaol by *ſtat.* 4 *Ed.* 1.; but if they be not found, he is not to proceed to *outlawry*, but return his inquiſition to the next gaol delivery, by *ſtat.* 3 *H.* 7. *c.* 1.; and the *juſtices of gaol delivery* are to *proceed* againſt the *offenders*, if in gaol; if not, then to certify the inquiſition into the *king's bench*, and there proceſs of outlawry to go againſt them, upon that inquiſition. 2 *Hal. P. C.* 64.

## *Of Crimes.*

### 1. *Felonia de ſe,*

Or ſuicide, is, where a man of the age of diſcretion, and *compos mentis*, kills himſelf, by ſtabbing, poiſon, or any other way. 1 *Hal. P. C.* 411. What is felo de ſe.

If he loſe his memory by *ſickneſs*, *infirmity*, or *accident*, and kills himſelf, he is *not felo de ſe*, neither can he be ſaid to commit murder upon himſelf, or any other. *Ibid.* If he loſe memory, &c. not felo de ſe.

If a man gives himſelf a mortal ſtroke while he is *non compos mentis*, and recovers his underſtanding, and then dies, he is not *felo de ſe*; for tho' the death complete the homicide, the *act* muſt be that which makes the offence. *Ibid.* If he gives a mortal ſtroke while non compos.

It is not every melancholy or hyprochondriacal diſtemper that denominates a man *non compos*, for there are few who commit this offence, but are under ſuch infirmities; but it muſt be *ſuch an alienation of mind* that renders them to be madmen or frantic, or deſtitute of the uſe of reaſon. A lunatic killing himſelf in the fit of lunacy is not *felo de ſe*. *Ibid.* But if he kills himſelf in a *lucid interval*, he is a *felo de ſe*. Ibid. 412. Not every melancholy diſtemper that makes a man non compos. Lunatic.

If a man voluntarily give himſelf a mortal wound, and die within a year and a day of that wound, he is *felo de ſe*, and he cannot purge the crime, nor the forfeiture inflicted by the law, by his repenting what he had done. *Ibid. cites* 8 *E.* 4. 4. If a wound be given and party die within year and day.

It muſt be *ſimply voluntary*, and with an intent to kill himſelf. *Ibid.* If *A.*, to prevent It muſt be voluntary and with an intent.

*a gangrene* beginning in his hand, doth, without any advice, *cut off his hand*, by which he dies; he is not thereby *felo de se*; for tho' it was a voluntary act, yet it was not with an intent to kill himself. 1 *Hal. P. C.* 412.

Forfeiture of felo de se.

The forfeiture of *felo de se* is of goods and chattels only. *Ibid.* 413. *Vide* 3 *Inst.* 55. 4 *Black. Com.* 190. (*a*)

Idiot, or infant, or lunatic.

If an *idiot*, or an *infant* under 14, or a *lunatic during his lunacy*, or if one distracted or losing his memory, thro' sickness, grief, infirmity, or other accident, kill himself, it is *not* felony; such an one can incur no forfeiture; for tho' death complete the homicide, the *act* must be *that* which makes the offence. 1 *Hal. P. C.* 30.

## 2. *Petit Treason.*

*Petit treason*, according to the *stat.* 25 *Ed.* 3. *c.* 2. may happen three ways: 1. *By a servant killing his master*: 2. *A wife her husband*: 3. *Or an ecclesiastical person* (either secular or regular,) *his superior, to whom he owes faith and obedience.*

Killing of a master or husband.

The killing of a master or husband is not petit treason, unless it be such a killing as in case of another person would be murder; and therefore upon an indictment of petit treason for a servant killing his master, if, upon the circumstances of the case, the killing appear to be upon a sudden falling out, and the servant upon a sudden provocation kill his master, which, in case it had been between other persons, had been only manslaughter, the jury may acquit him of petit treason, and find him guilty of manslaughter. 1 *Hal. P. C.* 378.

(*a*) He is to be buried in the highway, with a stake driven through his body. 4 *Black. Com.* 190.

Aiders,

Aiders, abettors, and procurers, are within the act, where the offence is petit treaſon, in the principal: but in all theſe caſes, if the killing be of a ſudden falling out, or a *ſe defendendo*, &c. it is not petit treaſon. *Crompt.* 19, 20.

Aiders, &c.

If killing be of a ſudden.

Killing the wife of the maſter is within the ſtatute, for he is ſervant to both. *Plowd.* 86. *b.*

Killing wife of maſter.

A clergyman is underſtood to owe canonical obedience to the biſhop who ordained him, to him in whoſe dioceſe he is beneficed, and alſo to the metropolitan of ſuch ſuffragan, or dioceſan biſhop: therefore to kill any of theſe, is *petit treaſon.*

Clergyman.

1 Hal. P. C. 38.

Commanding a ſtranger to beat the huſband, maſter, or ſuperior, and the ſtranger, in his or her preſence, doth accordingly beat him, of which *he dies*, this is petit treaſon in the *wife*, *ſervant*, or *eccleſiaſtic*, and murder in the ſtranger. 1 *Hal.* 380. *Plowd.* 475. *Crompt.* 20. *b.*

Commanding a ſtranger to beat huſband, maſter, &c.

### 3. *Of Murder.*

*Murder* is defined to be, when a perſon of *ſound memory* and *diſcretion* unlawfully killeth any reaſonable creature in being, and under the king's peace, with *malice afore-thought*, either *expreſs* or *implied.* 3 *Inſt.* 47.

Murder, what.

Homicide comprehends murder, manſlaughter, death by chance, *ſe defendendo*, or for juſtifiable cauſe. *H. P. C.* 43.

Homicide.

It muſt be committed by a perſon of *ſound memory and diſcretion:* for *lunatics* or *infants* are incapable of committing any crime, unleſs in ſuch caſes where they *ſhew a conſciouſneſs of doing wrong*, and of courſe a diſcretion, or diſcernment, between good and evil.

Lunatics, infants.

Next, it happens when a perſon of ſuch ſound diſcretion unlawfully killeth. The *unlawfulneſs* ariſes from the killing *without warrant, or excuſe:* and there muſt be an *actual* killing, to conſtitute murder; for a bare aſſault, with an intent to kill, is only a miſdemeanor. 1 *Hal.* 425.

By poiſoning, &c.

It may be by *poiſoning, ſtriking, ſtarving, or drowning*, and a thouſand other forms of death, by which human nature may be overcome.

Alien, Jew, &c.

To kill an alien, a Jew, or an outlaw, who are all under the king's peace or protection, is as much murder as to kill the moſt regular born *Engliſhman* (except he be an alien in time of war). 3 *Inſt.* 50. (*a*)

Baſtards.

As to killing baſtard children, ſee 21 *Jac.* 1. *c.* 27.

To kill a child in the womb is not murder. 3 *Inſt.* 150. *Hal.* 53.

Killing muſt be with malice.

The killing muſt be committed *with malice afore-thought* to make it the crime of murder, which may be either *expreſs* or *implied* in law. *Foſter*, 266.

*Malice afore-thought* is, when the fact is attended with ſuch circumſtances as are the ordinary ſymptoms of a wicked, depraved, malignant ſpirit, or an action flowing from a wicked and corrupt motive; a thing done *malo animo, mala conſcientia. Foſter*, 256.

Murder expreſs.

*Expreſs*, when one with a *ſedate deliberate mind*, and *formed deſign*, doth kill another: which formed deſign is evidenced with *external* circumſtances, diſcovering that *inward* intention; as, *lying in wait, antecedent menaces, former grudges*, and *concerted ſchemes* to do him

(*a*) Tho' he be denizen, attainted of high treaſon, or felony, or abjured, or convicted, and under execution for another crime. 3 *Inſt.* 50. 3 *Mod.* 68.

ſome

ſome bodily harm. 1 *Hal. P. C.* 451. This takes in the caſe of *deliberate duelling*, where both parties meet with an *intent* to murder, and therefore the law has juſtly fixed the crime and puniſhment of murder on them, and on their *ſeconds alſo*. 1 *Haw. P. C.* 82. *Hal.* 48. Duelling.

If upon a ſudden provocation one beats another in a cruel and unuſual manner, ſo that he dies, tho' he did not *intend* his death, yet he is guilty of murder, by *expreſs* malice. 2 *Hal. P. C.* 454. 473, 474. Sudden provocation.

Neither ſhall he be guilty of a leſs crime, who kills another in conſequence of ſuch a wilful act, as ſhews him to be an enemy to all mankind in general, as going deliberately and with an intent to do miſchief, (*Lord Ray.* 143.) upon a horſe uſed to ſtrike, or coolly diſcharging a gun among a multitude of people. 1 *Hawk. P. C.* 74. So if a man reſolves to kill the next man he meets, and does kill him, *it is murder*, altho' he knew him not, for this is *univerſal malice*. And if two or more come together to do an unlawful act, againſt the king's peace, of which the probable conſequence might be bloodſhed; *as, to beat a man to commit a riot*, or *to rob a park*; and one of them kills a man; it is murder in all, becauſe of the unlawful act. *Haw.* 84. Going with a horſe uſed to ſtrike. Gun. Reſolves to kill the next man he meets. To do an unlawful act.

### 4. *Of implied Malice.*

Alſo in many caſes where no malice is expreſſed, the law will *imply* it, as where a man wilfully poiſons another, in ſuch a deliberate act, the law preſumes *malice*, tho' no particular enmity can be proved. 1 *Hal.* 455. And if a man kills another *ſuddenly*, without any, or Implied malice. Killing ſuddenly

without a conſiderable provocation, the law *implies* malice.

No affront by words or geſtures *only* is a ſufficient *provocation*, ſo as to excuſe or extenuate ſuch acts of violence as manifeſtly endanger the life of another. 2 *Haw.* 82. But if the perſon ſo provoked had unfortunately killed the other, by beating him in ſuch a manner as ſhewed only an intent to chaſtiſe and not to kill him, the law ſo far conſiders the provocation of contumelious behaviour, as to adjudge it only *manſlaughter*, and not murder. *Foſt. Cr. L.* 291.

No affront by words or geſture is a ſufficient provocation.

In like manner if one kills an *officer of juſtice*, either civil or criminal, in the *execution of his duty*, or any of his *aſſiſtants* endeavouring to conſerve the peace, or any private perſon endeavouring to ſuppreſs an affray or apprehend a felon, *knowing* his authority or the intention with which he interpoſes, the law will imply malice, and the killer ſhall be guilty of murder. 1 *Hal.* 457. It were endleſs to go through all the caſes of homicide; theſe, therefore, may ſuffice as a ſpecimen. And take for a *general* rule, that *all* homicide is *malicious*, and of courſe amounts to murder, unleſs where juſtified by the *command* or *permiſſion* of the law, *excuſed* on a principle of *accident* or *ſelf-preſervation*, or alleviated into manſlaughter, by being either the involuntary conſequence of ſome act, not ſtrictly lawful, or (if voluntary) occaſioned by ſome ſudden and ſufficiently violent provocation. And all theſe circumſtances of juſtification, excuſe, or alleviation, it is incumbent upon the priſoner to make out, to the ſatisfaction of the court and jury; the *latter* of whom are

Officers of juſtice,

or private perſon, &c.

are to decide, whether the circumſtances alledged are proved to have actually exiſted; the former, how far they extend to take away or mitigate the guilt. For all homicide is preſumed to be malicious, until the contrary appeareth upon evidence. 1 *Hal.* 430.

If the owner of an horſe, or an ox, let him looſe to frighten people, and make ſport, and the beaſt kill a man, it is murder in the *owner*. 1 *Hal.* 431.

### 5. *Of Manſlaughter.*

If owner let an ox or horſe looſe.

*Manſlaughter* (*a*) is defined unlawful killing of another *without malice*, either *expreſs* or *implied*; which may be either *involuntary*, upon a *ſudden heat*, or *involuntarily*, but in the commiſſion of ſome unlawful act. 1 *Hal. P. C.* 466.

If two perſons on a ſudden fight, and if one kills.

As to the firſt, or *voluntary* branch: if upon a ſudden two perſons fight, and one of them kills the other, this is *manſlaughter:* and ſo it is, if they upon ſuch an occaſion go out and fight in a field, for this is one continued act of paſſion. 1 *Haw.* 82. And the law pays that regard to human frailty, as not to put a haſty and deliberate act upon the ſame footing with regard to guilt.

Fight in a field.

Provoked by pulling noſe.

So alſo, if a man be greatly provoked, as by pulling his noſe, or other great indignity, and immediately kills the aggreſſor, tho' this is not excuſable *ſe defendendo*, ſince there is no abſolute neceſſity for doing it to preſerve himſelf; yet neither is it murder, for there is no previous malice; but it is *manſlaughter*. *Kelyng*, 135.

(*a*) The diſtinction between murder and manſlaughter may be found in the Moſaic law. And therefore, where a man kills another upon a reaſonable provocation given, it will only be *manſlaughter*.

But

Cooling of the paſſion.

But in this, and in every other caſe of homicide, upon *provocation*, if there be a ſufficient *cooling time for paſſion* to ſubſide, and reaſon to interpoſe, and the perſon ſo provoked afterwards kills the other, this is *deliberate revenge*, and no heat of blood, and accordingly amounts to murder. *Foſt.* 296.

If in adultery with wife.

So if a man takes another in *actual* adultery with his wife, and kills him *directly* upon the ſpot; it is not abſolutely ranked in the claſs of juſtifiable homicide, as in the caſe of a forcible rape, but it is manſlaughter (1 *Hal. P. C.* 486.) in the loweſt degree of it (*a*).

Manſlaughter differs from excuſable homicide.

Manſlaughter, therefore, on a ſudden provocation, differs from excuſable homicide, *ſe defendendo*, in this; that in one caſe there is an apparent neceſſity, for ſelf-preſervation, to kill the aggreſſor; in the other, no neceſſity at all, being only a ſudden act of revenge.

Involuntary manſlaughter differs from homicide excuſable by miſadventure.

The ſecond branch, or *involuntary* manſlaughter, differs alſo from homicide excuſable by miſadventure, in this; that *miſadventure* always happens in conſequence of a *lawful* act, but this ſpecies of manſlaughter in conſequence of an *unlawful* one: as, if two perſons play at ſword and buckler, unleſs by the king's command, and one of them kills the other; this is manſlaughter; becauſe the original act was unlawful: but it is not murder, for the one had no intent to do the other any perſonal miſchief. 3 *Inſt.* 56. So where a perſon does an act *lawful* in itſelf, but in an unlawful manner, and without *due caution* and circumſpection; as, when

If an act done lawful in itſelf, but in an unlawful manner.

(*a*) In ſuch caſe, the court directed the burning in the hand to be gently inflicted. *T. Ray.* 212. becauſe there could not be a greater provocation.

a work-

a workman flings down a ſtone or piece of timber into the ſtreet, and kills a man; this may be either miſadventure, manſlaughter, or murder, according to the circumſtances under which the original act was done: if it were in a country village, where few paſſengers are, and he *calls out* to all people to have a care, it is *miſadventure* only; but if it were in *London*, or other populous town, where people are continually paſſing, it is manſlaughter, though he gives loud warning. *Kel.* 40. And murder, if he knows of their paſſing, and gives no warning at all; for then it is malice againſt all mankind. 3 *Inſt.* 57. And, in general, when an involuntary killing happens in conſequence of an unlawful act, it will be either *murder*, or *manſlaughter*, according to the nature of the act which occaſioned it. If it be in proſecution of a felonious intent, or in its conſequences naturally tended to bloodſhed, it will be murder; but if no more was intended than a mere *civil treſpaſs*, it will only amount to manſlaughter. *Foſter*, 258. 1 *Haw. P. C.* 84.

If in London.

Involuntary killing happens in conſequence of an unlawful act.

6. *Of Homicide on Stat.* 1 *Jac.* 1. *c.* 8.

But there is one ſpecies of manſlaughter, which is puniſhed as murder, the offence of mortally *ſtabbing* another, tho' done upon ſudden provocation. For by *ſtat.* 1 *Jac* 1. *c.* 8. when one thruſts or ſtabs another not then having a weapon drawn, or who hath not then *firſt* ſtricken the party ſtabbing, ſo that he dies thereof *within ſix months* after, the offender ſhall not have the benefit of clergy, tho' he did it not of malice afore-thought.

Stabbing another.

Foſter, 300.

The

Stat. construed favourably.

The benignity of the law has conſtrued the ſtatute ſo favourably on behalf of the ſubject, and ſo ſtrictly when againſt him, that the offence of ſtabbing now ſtands almoſt upon the ſame footing as it did at the common law. *Foſter*, 299. Thus upon the conſtruction of this ſtatute, it hath been doubted, whether if the deceaſed had ſtruck at all before the mortal blow given, this does not take it out of the ſtatute, tho' in the preceding quarrel the ſtabber had given the firſt blow; and it ſeems to be the better opinion, that this is not within the ſtatute. *Ibid.* 301. 2 *Haw.* 77. (*a*) Alſo it hath been reſolved, that the killing a man by throwing a hammer, or other weapon, is not within the ſtatute; and whether a ſhot with a piſtol be ſo or not, is doubted. 1 *Hal. P. C.* 470. *Foſter*, 300. But if the party ſlain had a cudgel in his hand, and had thrown a pot or a bottle, or diſcharged a piſtol at the party ſtabbing, this is a ſufficient having a weapon drawn on his ſide, within the words of the ſtatute. 1 *Haw.* 77. (*b*)

*Excuſable homicide* is of two ſorts, either *per infortunium*, by *miſadventure*, or *ſe defendendo*.

## *Homicide* per Infortunium.

Homicide per infortunium or miſadventure.

Homicide *per infortunium* or *miſadventure* is, where a man doing a lawful act, *without* any *intention* of hurt, unfortunately kills another: as, where a man is at work with a hatchet, and the head thereof flies off and kills a ſtander-by;

(*a*) A cudgel, or other thing proper for defence or annoyance, in the hand of the party, is a weapon drawn. *Foſter*, 300.

(*b*) A huſband ſtabbing an adulterer, not within the act; nor a man aſſaulted by thieves in his houſe; nor if one concealed in a cloſet, but no thief, is ſtabbed, on a ſudden outcry of thieves in the night-time. *Foſ.* 298.

or,

or, where a perſon qualified to keep a gun, in ſhooting at a mark, and undeſignedly kills a man. 1 *Haw.* 73, 74. for the act is lawful, and the effect is merely accidental. So where a parent is moderately correcting his child, a maſter his apprentice, or ſcholar, or an officer puniſhing a criminal, and happens to occaſion his death, it is only *miſadventure*; for the act of correction was lawful: but if he exceeds the bounds of moderation, either in the manner, the inſtrument, or the quantity of puniſhment, and death enſues, it is manſlaughter at leaſt, and in ſome caſes (according to circumſtances) murder; for the act of *immoderate* correction is unlawful. 1 *Hal. P. C.* 473, 474. To whip another's horſe, whereby he runs over a child, and kills him, it is held to be accidental in the rider, for he has done nothing unlawful, but manſlaughter in the perſon who whipped him. 1 *Haw.* 73.

Parent correcting child, maſter, &c.

Immoderate correction.

In general, if death enſues in conſequence of an idle, dangerous, and unlawful ſport, as ſhooting or caſting ſtones in a town, or cock throwing; in theſe and ſimilar caſes the ſlayer is guilty of *manſlaughter*, and not miſadventure only, for theſe are unlawful acts. *Ibid.* 74.

Idle, dangerous, and unlawful ſport.

Cock throwing.

8. *Homicide* ſe defendendo.

Homicide in *ſelf-defence* or *ſe defendendo*, upon a ſudden affray, is alſo excuſable, rather than juſtifiable. This ſpecies of ſelf-defence muſt be diſtinguiſhed from that juſt now mentioned, as calculated to the perpetration of a capital crime, which is not only matter of excuſe, but of juſtification. But the ſelf-defence we are now ſpeaking of is, that whereby a man may protect

Chance-medley.

protect himself from an assault, or the like, in the course of a sudden brawl, or quarrel, by killing him who assaults him. And this is what the law expresses by the word *chance-medley*, or as some write *chaud-medley*; the *former* of which signifies a *casual* affray, the *latter* an affray in the *heat* of blood or passion: both of them pretty much of the same import: but the former is in common speech too often erroneously applied to any manner of homicide by misadventure; whereas it appears by the *stat.* 24 *H.* 8. *c.* 5. that it is properly applied to such a killing as happens *in self defence* upon a sudden rencounter. 3 *Inst.* 55. 57. *Foster*, 275.

To excuse homicide upon the plea of self-defence, it must appear *that the slayer* had *no other possible* means of *escaping* from his assailant.

Homicide is excusable, when done upon inevitable necessity, as for one's own defence; for if a man be assaulted and retreats to a wall, and then in his defence kills the pursuer, it is not murder, nor manslaughter. *Hal. P. C.* 41. 2 *Inst.* 315. 3 *Inst.* 56.

If a man strikes the assailant *before* retreat, and then kills him in his own defence, this is manslaughter. *Hal.* 42.

### 9. *Chance-medley and Manslaughter.*

The true criterion between *chance-medley* and *manslaughter* is this; when both parties are actually combating at *the time* when the mortal stroke is given (*a*), the *slayer* is then guilty of manslaughter, but if the *slayer* hath *not begun* to

(*a*) It is only an act *malum in se*, not barely *malum prohibitum*, that prevents the death being *chance-medley*; thus, an unqualified person shooting at game, falls under the same rule as if *qualified*. *Foster*, 259.

*fight*

*fight* or (*having begun*) endeavours to decline any farther ſtruggle, and afterwards, being cloſely preſſed by his antagoniſt, kills him to avoid his own deſtruction; this is homicide excuſable by ſelf-defence. *Foſter*, 277.

And as the *manner* of defence, ſo is the *time* to be conſidered: for if the perſon aſſaulted does *not* fall upon the aggreſſor till the *affray is over*, or when he is *running away*; this is *revenge*, and not *defence*. As the manner of defence, ſo is the time.

If two perſons, *A.* and *B.*, agree to fight a duel, and *A.* gives the firſt onſet, and *B.* retreats as far as he can, and then kills *A.*, this is murder. 1 *Hal. P. C.* 479. But if *A.* upon a *ſudden* quarrel aſſaults *B.* firſt, and upon *B.*'s returning the aſſault *A.* really and *bona fide* flees, and, being driven to the wall, turns again upon *B.* and kills him; this may be *ſe defendendo*; 1 *Hal. P. C.* 482. tho' others have thought this opinion too favourable. 1 *Haw.* 75. Duel. Sudden quarrel.

Under this excuſe, of ſelf-defence, the principal civil and natural relations are comprehended; therefore *maſter* and *ſervant*, *parent* and *child*, *huſband* and *wife*, killing an aſſailant in the *neceſſary defence* of each other reſpectively, are excuſed; the act of the relation aſſiſting, being conſtrued the ſame as the act of the party himſelf. 1 *Hale*, 484. Maſter and ſervant, parent and child.

If death enſues from an *accident*, happening at *innocent* and *allowable recreations*, as *cudgels*, foils, wreſtling, engaged in by mutual conſent of friendſhip, for trial of ſkill or manhood, or improvement in the uſe of weapons, it is *chance-medley*. *Foſter*, 259. Death by accident or innocent recreations.

This extends not to prize-fighting, or public boxing-matches for lucre; nor to throwing at cocks. *Ibid.* 260. Extends not to prize-fighting.

### 10. *Accidental Death.*

Driving a cart.

If a man *driving* a *cart*, &c. kills, if he ſaw the danger, murder; if he did not, thro' heedleſſneſs, manſlaughter; if he took all due care, accidental death. *Foſter*, 263.

If a man finds a piſtol.

If a man finds a piſtol, tries it with a rammer and thinks it unloaded, carries it home, ſhews it his wife, touches the trigger, it goes off, and kills her, ruled manſlaughter; yet ought to have been only *accidental death*. *Ibid.*

Death enſuing en an act unlawful.

Death enſuing upon an act *unlawful*, cannot be accidental; but if done deliberately, and with intention of miſchief, murder; if heedleſsly, manſlaughter. *Ibid.* 260.

Workman flinging rubbiſh off a houſe.

If a workman throwing rubbiſh out of a houſe kills, if he gave warning, accidental death; if not, manſlaughter at leaſt. *Foſter*, 262. If in *London* or populous towns, ſuch warning not ſufficient, unleſs early, and when few people are ſtirring. *Ibid.* 263.

### 11. *Of killing an Officer of Juſtice.*

When an officer is killed in the *execution* of his office, it is murder, as a watchman, a conſtable. *Hal.* 45. 3 *Inſt.* 52. Serjeant, or magiſtrate, or any in their aſſiſtance, tho' not on the ſpot, but coming or going. *Foſter*, 308. But the officer ſhould be known, or notify with what intent he comes, by commanding the peace. *Ibid.* 310. In arreſts on proceſs, he ſhould give notice of his authority. *Ibid.* 311.

But if the officer does what is not warrantable, it is only manſlaughter. *Mar.* 4.

Perſons having authority to arreſt or impriſon, uſing the proper means for that purpoſe, and being

being killed in the ſtruggle, it is murder in all who take a part in ſuch reſiſtance, and this will hold in all caſes, whether civil or criminal. *Foſter*, 270. So in caſe of breach of the peace, or any miſdemeanor, ſhort of felony. *Ibid.*

### 12. *If Officer exceed his Juriſdiction.*

When an officer of juſtice exceeds the limits of his juriſdiction in the death of another, it is murder. *Hal.* 35.

Gaoler. If a gaoler carries his priſoner againſt his will, whom he knows has never had the ſmall-pox, but fears it, to a place where he knows a perſon having it is, and the priſoner catches it, and dies, it is murder. *Str.* 854.

Deputy gaoler. If a gaoler (as warden) has a lawful deputy, whoſe ſervant, by dureſs, (of confining in an unwholeſome room,) kills his priſoner, it is not murder in the pirncipal. *Str.* 882. But it is murder in the ſervant. *Ibid.*

If defendant in a civil ſuit, fearing arreſt, flies, officer purſues, and in the purſuit kills, it is murder, *Hal.* 481. or manſlaughter; according to circumſtances. *Foſter*, 271.

If perſons having lawful authority to arreſt, and they arreſt the party, and in a ſtruggle he is killed, murder.

Perſons having authority to arreſt or impriſon, uſing the proper means for that purpoſe, and being killed in the ſtruggle, it is murder in all who take a part in ſuch reſiſtance, and this will hold in all caſes, whether civil or criminal. So in caſe of breach of the peace, or any miſdemeanor ſhort of felony. *Foſter*, 270.

### 13. *Of Baſtards born.*

If a woman delivered of iſſue, which being born alive would be a baſtard, endeavour by

burying, drowning, or any other way, either by herſelf or others, ſo to conceal its death, that it may not appear whether born alive or not, it is murder, unleſs ſhe prove by one witneſs at leaſt, that it was born dead; *ſtat.* 27 *Jac.* 1. *c.* 27. the killing muſt be within the realm. 3 *Inſt.* 48. *Hale*, 54. 16. *Car.* 1. *c.* 4.

## *Of Acceſſary before the Fact.*

CORONERS are only to inquire of acceſſaries *before* the fact. *Jenk.* 177.

A man, who, by his command, counſel, contrivance, conſent, or encouragement, incites or moves another to commit a felony, tho' he be not preſent when it is done, will be an acceſſary *before* the fact; 2 *Inſt.* 182. as if he urge, perſuade, or procure him to do it. Or if he puniſh him with a weapon, &c. for ſuch intent. *Ibid. Foſter*, 121.

He who is not preſent at the perpetration can be no more than an acceſſary *before* the fact, except in ſpecial caſes. *Foſt.* 349.

In the caſe of poiſoning, he who counſels another to give poiſon, if abſent, is only an acceſſary *before* the fact: but he who *gives* or *lays* the poiſon is a *principal*, tho' abſent when taken, 1 *Hale*, 435.

If he be preſent, but neither aiding or abetting, he is then neither principal nor *acceſſary*. *Hal.* 439.

## *Of Deodands.*

DEODANDS, is meant whatever perſonal chattels is the immediate occaſion of the death of any

any reaſonable creature which is forfeited to the king, to be applied to pious uſes, and to be diſtributed in alms by his high almoner.

A *deodand* is, where any man kills himſelf, or is by misfortune ſlain by an *horſe*, *cart*, or any *other* thing that *moveth* to *his death*; then the *thing*, which is the *cauſe* of, or *moved* to his death, ſhall be forfeited to the king, or grantee of the crown. But the almoner diſpoſes of what belongs to the king. *Lill. Pract. Reg.* 607.

No *deodand* is due when an infant *under* the age of diſcretion is killed by a fall from a cart, or horſe or the like, not being in motion. 1 *Hale*, 422.

But if a horſe, or ox, or other animal, of his own motion, kill as well an infant as an adult, or if a cart run over him, they ſhall in either caſe be forfeited as *deodands*. Where a thing *not in motion* is the occaſion of a man's death, *that part* only which is the immediate cauſe is forfeited; as if a man be climbing up the wheel of a cart, and is killed by falling from it, the *wheel alone* is a deodand. 1 *Hale*, 422. But wherever the thing is *in motion*, not only that part which immediately gives the wound, (as the wheel which runs over his body,) but all things which move with it, and help to make the wound more dangerous, (as the cart and loading, which increaſe the preſſure of the wheel,) are forfeited. 1 *Haw. P. C. c.* 26. It matters not whether the owner were concerned in the killing or not; for if a man kills another with my ſword, the ſword is forfeited, as an accurſed thing; no *deodands* are due for accidents happening upon the high ſeas, that

being out of the juriſdiction of the common law; but if a man falls from a boat or ſhip, in freſh water, and is drowned, it hath been ſaid, that the veſſel and cargo are in ſtrictneſs of law a *deodand*. 3 *Inſt*. 58. 1 *Hale*, 423. But juries of late have very frequently taken upon themſelves to mitigate theſe forfeitures, by finding only ſome trifling thing to have been the occaſion of the death, and the *king's bench* have refuſed to interfere on behalf of the lord of the franchiſe to aſſiſt ſo odious a claim. *Foſt*. 266.

But they are not forfeit till the death be found, which is regularly by the coroner; 1 *Hal. P. C.* 419. they then belong to the king, or to the lords of the manors, who have the grants thereof *inrolled* in the crown office, and a diſcharge by them is good, *Lill. Pract. Reg.* 607. 4 & 5 *W. & M. c.* 22. for the inrolment.

*Deodands* where the goods and chattels of a *felo de ſe*; that is, of him that kills himſelf, or is killed by any accident; and upon inquiſition thereof found before the coroner, they do belong to the king, or to the lords of the manors, who have the grants thereof inrolled in the crown office. But as to thoſe which belong to the king, he appoints his chief almoner to diſpoſe of to the poor, or to be employed in other pious uſes. And a diſcharge given for them by the almoner or his deputy, or ſuch lord of a manor, to any perſon that hath ſuch goods of a *felo de ſe* in his poſſeſſion, is a good diſcharge in law for them: but a diſcharge given for them by an under-deputy is no

no good diſcharge; for he is no ſuch officer as the law takes notice of.

Upon the death of a man by miſadventure, &c. the inquiſition ought to inquire of the goods that occaſioned the death, and the value of them, and the *villata* where the miſchance happened ſhall be charged with proceſs for the ſaid goods, or their value, tho' they were not delivered to them. 3 *E.* 3. *Cor.* 296. 1 *Hale*, 419.

If a man be cutting of a tree, and the tree fall upon another tree, and break down the limb, which falls upon a man and kills him, *both* the limb and the tree that fell are *deodands*. *Ibid.* 420.

If a man be driving a cart, and the cart fall and kill a man, the cart and horſes are a *deodand*; ſo if a cart run over a man and kill him, the cart and horſes are forfeit. 2 *Salk.* 220. Cart.

If a man, in watering his horſe, is drowned, the horſe is a *deodand*. *Ibid.*

If a man be getting up a cart by the wheel to gather plums, and, *neither* the cart nor horſes moving, the man falls and dies, neither the cart nor horſes are forfeited, but only the wheel. *Ibid.*

Two men were riding over the *Trent* and were drowned by the violence of the water, adjudged, that their horſes are not *deodands*. *Cro. Jac.* 483.

Where ſeveral things move *ad mortem*, they are all *deodands*. 1 *Salk.* 220.

As where a cart overturned, and threw a perſon from it before the wheels of a waggon, which run over the man and killed him, both

the cart and the waggon, and all the horſes of both, are *deodands*. 2 *Salk*. 220.

So if a horſe throws a man into a river, which carries him down to a mill, where he is killed with the wheel. *Ibid*.

### *Of the Proceedings in Court.*

WHEN notice is given to the coroner, of a violent death, caſualty, or miſadventure, he then iſſues his precept or warrant to the conſtables, headboroughs, and beadles of the pariſh, place, or precinct where the party lies dead, to ſummon 24 able and ſufficient men, of the ſame, to appear before him, at the hour and place there ſtated, to do and execute all thoſe things that ſhall be given them in charge, on behalf of the king, touching the death of the perſon named; and the conſtables, &c. are to return the warrant, with the names of the jurors ſummoned, to the coroner, on the day prefixed.

If there be not ſufficient jurors in the place, the coroner may ſummon them from the adjoining pariſh; but the *neighbours* are ſuppoſed to be the *beſt judges* of the fact to be inquired into, and therefore they are generally ſummoned.

As this proceeding is *judicial*, the inquiſition ought *not* to be taken on a *Sunday*. 9 *Co*. 66.

A *leſs* number than 12 jurors will *not* be ſufficient in this *judicial* proceeding.

On the day appointed, the coroner attends, and having received the return of the jurors and precept, &c. the firſt thing he does, is to direct the officer to open the court by *proclamation*; by proclaiming, "*Oyez!*" three times:

How to open the court.

"*You*

" *You good men of this county (or liberty, as* " *the caſe may be) ſummoned to appear here this* " *day, to inquire for our ſovereign lord the* " *king, when, how, and by what means* " *Richard Fenn came to his death, anſwer to* " *your names as you ſhall be called, every man* " *at the firſt call, upon the pain and peril that* " *ſhall fall thereon.*"

(*a*) The coroner then proceeds to call over the jury, beginning with thoſe of the pariſh where the inqueſt is to be taken, and the others in ſucceſſion, marking thoſe who appear with a daſh thus, —— againſt their names, and then they are ſworn.

It is ſaid, if no return be made to the warrant, or if the jurors make default in appearing, the defaulters are to be returned by the coroner to the ſeſſions, where they ſhall be amerced. But this now never happens.

And if the conſtables do not return the precept, they cannot be fined, but they are to be preſented to the ſeſſions, or at the aſſizes, and the court impoſe the fine. 2 *Inſt.* 136. *ſtat. Marlb. c.* 18. 2 *Hal. P. C.* 62.

If the jurors appear, it is ſaid, they are not challengeable by either party. *Mirr. c.* 1. *ſ.* 13. *Britt.* 6. But *Umfreville, p.* 185, ſays, an objection, *properly made*, may be admitted. *Vide Skin.* 45. *pl.* 16.

It is uſual for the jurors to chuſe their foreman, when done, he is called to the book and ſworn firſt.

(*a*) It is ſtated, that the coroner indorſes a return on the back of the precept or warrant, which is ſigned by the ſummoning officers thus, " The execution of this precept or warrant appears in the ſchedule annexed. The anſwer of, &c." *Umfrev.* 285. And that it is neceſſary the coroner *keep it*, the want of which may be fatal in caſe of preſentment or indictment.

The

The coroner generally ſaying to the reſt of the jurors, Gentlemen, hearken to your foreman's oath; for the oath he is to take on his part, is the oath you are ſeverally to obſerve and keep on your part.

Foreman's oath.

" You ſhall diligently inquire, and true " preſentment make, of all ſuch matters and " things as ſhall be here given you in charge, " on the behalf of our ſovereign lord the king, " touching the death of *Richard Fenn*, now " lying dead, of whoſe body you ſhall have " the view; you ſhall preſent no man for hatred, " malice, or ill-will, nor ſpare any through " fear, favor, or affection; but a true verdict " give, according to the evidence, and the " beſt of your ſkill and knowledge.

" *So help you God.*"

Three are ſworn at a time.

The reſt of the jurors are ſworn thus:

" The ſame oath your foreman has taken " on his part, you and each of you are, " ſeverally, well and truly to obſerve and keep " on your parts. *So help you God.*"

It is ſaid to be prudent to ſwear an *odd* number, to avoid the inconvenience of an *equal* number, which may happen on a diviſion of voices, and thereby retard the finding or not, of an inquiſition.

After they are ſworn, it is uſual for the coroner to give a charge, acquainting them with the purpoſe of the meeting, as thus:

The coroner's charge.

Gentlemen,

" You are ſworn to inquire, on behalf of the " king, how and by what means *Richard Fenn* " came to his death; your firſt duty is, to take " a view of the body of the deceaſed, wherein " you will be careful to obſerve, if there be

" any

" any marks of violence thereon, from which,
" and on the examination of the witneſſes in-
" tended to be produced before you, you will
" endeavour to diſcover the cauſe of his death,
" ſo as to be able to return me a true verdict
" upon this occaſion."

When the charge is finiſhed, the crororer goes with the jury to take a view, and examine the body of the deceaſed.

When the jury have taken the view, coroner adds to his charge.

As ſoon as the view is taken, it is uſual for the coroner again to call them over, and add to his former charge ſome *neceſſary obſervations* he has made on view of the body; and add, " that he ſhall proceed to hear and take down " the evidence reſpecting the fact, to which he " muſt crave their particular attention."

Particular charge not neceſſary, unleſs in particular caſes.

Particular charges are not neceſſary, but in particular caſes, ariſing from the fact, or in the courſe of the evidence, ſuch as *lunacy*, *felo de ſe*, *deodand*, *flight*, forfeiture, &c.

As to the *deodand*.

The *deodand* requires no other charge than of a value to be put upon *what* cauſed the death, and of whoſe property, and in whoſe poſſeſſion.

As to flight.

As to the particular charge in caſe of a flight, which induces a forfeiture, where the party charged is not forthcoming, it may be neceſſary to add ſomething to the general charge, as thus:

The further charge.

" Your charge will be further to inquire in
" what degree the party charged is guilty,
" whether of murder or manſlaughter, or of
" a killing in his own defence; if you find him
" guilty of murder or manſlaughter, you are
" then to inquire what goods and chattels,
" lands

" lands or tenements, he had at the time of " the act committed, or at any time ſince; if " you find the fact to be of a juſtifiable homi- " cide, from inevitable neceſſity, or in defence " of his own perſon, life, or property, or where " a ſuſpected perſon doth fly, and reſiſt the " proper officer, and is from neceſſity ſlain, " becauſe he could not be otherwiſe taken; " this flight and reſiſtance preſumes a guilt, " and will incur a forfeiture; and therefore " you are to inquire, whether in either of the " inſtances the party fled for it, this is a pre- " ſumptive confeſſion of the charge; and you " are then to inquire of his goods and chattels, " but no lands or tenements, in the ſame man- " ner as if you had found him guilty."

This latter charge may be given *after* the evidence taken, ſo as to have a perfect verdict.

As to a ſurgeon attending the coroner.

If the inquiry be of the death of one man by another, and it be doubtful whether the wound be mortal or not, a ſurgeon ſhould be preſent to examine and ſhew the wound, and it ſeems, the pariſh officers get one to attend for that purpoſe.

After general charge given, the further proceeding.

After the general charge is given by the coroner, the officer then calls ſilence, and repeats after the coroner thus:

" If any one can give evidence, on behalf " of our ſovereign lord the king, when, how, " and by what means *Richard Fenn* came to " his death, let them come forth and they ſhall " be heard."

The evidence appearing, the coroner takes down his name, place of abode, and occupation, and then the officer tenders him the following oath:

" The

" The evidence you ſhall give to this in- Oath to the witneſſes.
" queſt, on behalf of our ſovereign lord the
" king, touching the death of *Richard Fenn*,
" ſhall be the truth, the whole truth, and no-
" thing but the truth. *So help you God.*"

The examination is firſt intituled, which the coroner prepares, previous to the ſitting of the court.

*Middleſex.*—Informations of witneſſes ſeverally taken and acknowledged on the behalf of our ſovereign lord the king, touching the death of *Richard Fenn*, at the dwelling-houſe of *J. B.*, known by the ſign of the *Pelican*, in the pariſh of *D.* in the county of *Middleſex*, on the *fifth* day of *October*, in the *thirty-ninth* year of the reign of our ſovereign lord *George* the third, king of *Great Britain*, and ſo forth, before *G. H.* gentleman, one of the coroners for the ſaid county, on an inquiſition then and there taken on view of the body of the ſaid *Richard Fenn*, then and there lying dead, as follow, to wit. Umfrev. 297. Words at length.

*Or thus*, in caſes of miſadventure or meer caſualties, where no future inquiry or trial is conſequent:

" *Middleſex.*—Informations of witneſſes, Miſadventure.
" taken this day of in the
" pariſh of *A.* at the dwelling-houſe of *J. B.*
" the ſign of the *Pelican*, in the ſaid county,
" before *G. H.* gentleman, one of the coroners
" for the ſaid county, touching the death of
" *Richard Fenn*, then and there lying dead,
" as follow."

But if the inquiry be of what may turn out to be a buſineſs at the ſeſſions, as murder, &c. keep to the *firſt title*, and be particularly careful

ful to take down the evidence of the fact and circumſtances, as, that no evidence may be wanted to elucidate the inquiry. Before the witneſs ſigns his examination, let it be read over to him, and aſk him if it be the whole of the evidence he can give: he ſigns it to the *right* hand of the paper.

The coroner generally aſks the jurors before the witneſs ſigns, whether they have any queſtion for him to aſk the witneſs.

When the witneſs has ſigned his name to the examination taken, the coroner then writes thus, to the left hand ſide:

" Taken and acknowledged, the day, year, " and place above-mentioned, before *G. H.* " coroner."

Or it may be at the end of the laſt information, thus:

" All the above informations were ſeverally " taken and acknowledged, the day, year, and " place firſt above mentioned, before *G. H.* " coroner."

As to adjournment.

It ſeems if all the evidence do not attend, the coroner may adjourn the jury to another day, to the ſame, or another place, to take and receive other evidence, firſt taking the jurors in a recognizance for their appearance at the adjourned time and place further to conſider of their verdict, thus:

The recognizance to appear at the adjourned day.

" Gentlemen: You acknowledge yourſelves " ſeverally to owe to our ſovereign lord the " king, the ſum of 10*l.* to be levied on your " goods and chattels, for his majeſty's uſe, " *upon condition*, that you and each of you " do perſonally appear *here* again, (or other " adjourned place,) on the day of

"

" instant, at 10 of the clock in the " forenoon preciſely, then and there to make " further inquiry, on behalf of our ſaid ſove- " reign lord the king, touching the death of " the ſaid *Richard Fenn*, of whoſe body you " have already had the view. Are ye all " content?"

The coroner then adjourns the court thus:

Coroner's adjournment of the court.

" Gentlemen: The court doth diſmiſs you " for this time; but requires you ſeverally to " appear *here* again, (*or at ſuch other adjourned* " *place*,) on the day of " inſtant, at 10 of the clock in the forenoon " preciſely, upon pain of 10 *l.* a man, on the " condition contained in your recognizance " entered into."

Burial of deceaſed.

The coroner may in diſcretion grant his warrant to bury the deceaſed, to prevent infection. Then the officer adjourns the court, by making proclamation thus:

" *Oyez!*" three times: " All manner of per- " ſons who have any thing more to do at this " court, before the king's coroner for this " county, may depart hence, and give their " attendance *here* again, (*or other adjourned* " *place*,) on the day of " inſtant, at 10 of the clock in the forenoon " preciſely. *God ſave the king!*"

The coroner will make a proper entry in his minutes, of this *adjournment*, both of *time* and *place*.

Meeting on the adjourned day.

When the jury are met at the adjourned time and place; the officer opens the court by proclamation, as in the firſt inſtance, *p.* 57. with this addition, " And you gentlemen of the jury, " who have been impanelled and ſworn on " this

" this inqueſt, to inquire touching the death " of *Richard Fenn*, ſeverally anſwer to your " names, and ſave your recognizance."

The coroner firſt proceeds to buſineſs, by calling over the names of the jury, declaring the further purpoſe of this meeting.

If foreigners are examined as witneſſes, the coroner is to have an interpreter, who is to be ſworn thus:

Oath of an interpreter, in caſe foreigners are witneſſes.

" You ſhall well and truly interpret unto the " ſeveral witneſſes here produced, on the be- " half of our ſovereign lord the king, touch- " ing the death of *Richard Fenn*, the oath that " ſhall be adminiſtered to them; and alſo the " queſtions, and demands, which ſhall be " made to the witneſſes, by the court or jury, " concerning the matters of this inquiry; and " you ſhall well and truly interpret the an- " ſwers which thē witneſſes ſhall thereunto " give. *So help you God.*"

After witneſſes examined.

He then interprets the oath which is given to witneſſes, as in *p.* 61. After the witneſſes are examined, and the evidence gone through, the coroner ſums up the evidence to the jury, and directs them to conſider of their verdict.

If they withdraw to conſider their verdict; the officer is ſworn to take care of them, thus:

Oath to officer if jury withdraw.

" You ſhall well and truly keep the jury " upon this inquiry, without meat, drink, or " fire; you ſhall not ſuffer any perſon to ſpeak " to them, nor you yourſelf, unleſs it be to " aſk them, whether they be agreed to their " verdict, until they ſhall be agreed.

" *So help you God.*"

When the jury are agreed.

The officer takes them to a convenient room, and attends the door on the outſide, until they are

are agreed; when agreed, they return, and the coroner calls over their names, and afterwards asks them if they be agreed on their verdict; if the foreman replies in the affirmative, the coroner asks them, "who shall say for you?" to which they will reply, "our foreman." Then the coroner says, Mr. Foreman, "How do you "find *Richard Fenn* came to his death, and "by what means?" the foreman then relates the verdict, which the coroner records.

Twelve must agree.

It seems twelve at least must agree, if there be no division; but if there be a division, the coroner then collects their voices, beginning with the last on the panel, and rising upwards to the foreman, who declares last. The coroner collects the numbers, and declares the majority, into which the minority sinks, and the finding, (which is to be given by the foreman,) is from necessity; as "*ex dicto majoris partis juratorum*," taken and considered as the verdict of all. 2 *Hal. P. C.* 296.

When verdict pronounced.

When the verdict is given, the coroner then draws up his inquisition in form, which consists of 3 parts. The *caption*, the *finding*, and the *attestation*.

The caption of inquisition.

The caption is all that part of the inquisition which begins it, and immediately precedes what is called the verdict, or finding of the jury.

Verdict, attestation.

The *verdict* is that part of the inquisition which immediately follows the caption, and precedes the attestation; and the *attestation* is the conclusion of the inquisition.

Inquisition.

Under the last part of the inquisition, called the attestation, the coroner and jurors sign their names opposite the seals; to the coroner's name he adds, "the office," *as G. H. coroner.*

The inquiſition thus being compleated, the coroner addreſſes the jury, thus:

Gentlemen, "Hearken to your verdict, as "delivered by you and as I have recorded it. "You find, &c." (*here repeat the ſubſtance of the verdict.*)

As to binding over parties, &c.

If it is a caſe that will come to the ſeſſions, the coroner then binds all proper perſons over in a recognizance, to proſecute, and give evidence, which ſee in the appendix. The coroner then makes out his warrant to bury the deceaſed, (if not before done.) The officer of the court then makes proclamation thus:

Proclamation of diſcharge to the jurors.

"You good men of this county, (or liberty), "who have been impannelled and ſworn of "the jury, to inquire for our ſovereign lord "the king, touching the death of *Richard* "*Fenn*, and who have returned your verdict, "may depart and take your eaſe.

"*God ſave the king.*"

It is uſual for the coroner to return thanks to the jury for their attendance.

If inquiſition be returned to ſeſſions.

When the coroner returns his inquiſition to the ſeſſions, he firſt ingroſſes it on *parchment*, *indented* at the top, and in words *at length*, and ſuch return is to be made under his *own hand and ſeal only, with his name of office.* *Umfrev.* 312.

# APPENDIX.

*To the Conſtables, Headboroughs, and Beadles of the pariſh of in the County of* Middleſex.

*Middleſex*, to wit. } BY virtue of my office, theſe are in his majeſty's name to charge and command you, that on ſight hereof, you ſummon and warn twenty-four able and ſufficient men of your pariſh perſonally to be and appear before me, on the day of at 10 of the clock in the forenoon, at the houſe of *A. B.* called or known by the name or ſign of the *Pack Horſe*, ſituate in *Street* in the ſaid pariſh and county, then and there to do and execute all ſuch things that ſhall be given them in charge on behalf of our ſovereign lord the king's majeſty, touching the death of *Richard Fenn*, and for ſo doing this ſhall be your warrant. And that you alſo attend at the time and place above-mentioned, to make a return of the names of the perſons whom you ſhall have ſo ſummoned: and further to do and execute ſuch other matters as ſhall be then and there enjoined you: and have you then there this warrant.

Coroner's warrant or precept, to ſummon a jury.

Given under my hand and ſeal, this day of 1799.

*C. H.* Coroner (*a*).

*N. B.* The coroner ſhould furniſh the under ſummonſes to the conſtable to ſerve the jurors with, which are printed.

*Middleſex*, to wit. } BY virtue of a warrant under the hand and ſeal of *G. H.* gentleman, one of his majeſty's coroners for this county, you are hereby ſummoned perſonally to be and appear before him, as a juryman, on the day of at ſix of the clock

Summons by the conſtable of the jurors.

(*a*) The common forms may be had *in blank*, at T. JONES's, Printer, *Clifford's-Inn Gate, Fetter-Lane, London.*

in the evening preciſely, at the houſe of known by the ſign of the in the pariſh of *Chiſwick* in the ſaid county, then and there to inquire, on his majeſty's behalf, touching the death of *Richard Fenn*, and further to do and execute ſuch other matters and things as ſhall be then and there given you in charge, and not to depart without leave. Hereof fail not, at your peril.

Dated the day of 1799.

*To Richard Biggs of in the pariſh of Chiſwick in the county of Middleſex.*

—— Conſtable.

The form of the inquiſition by drowning.

*Middleſex*, to wit. } AN inquiſition indented taken for our ſovereign lord the king, at the pariſh of in the county of *Middleſex*, the fifth day of *September*, in the thirty-ninth year of the reign of our ſovereign lord *George* the third, by the grace of God of *Great Britain*, *France*, and *Ireland*, king, defender of the faith, &c. before *George Hodgſon* gentleman, one of the coroners of our ſaid lord the king for the ſaid county, on view of the body of *Richard Fenn*, then and there lying dead, upon the oath of *A. B.* (*here name the jurors ſworn,*) good and lawful men of the ſaid county, duly choſen, and who being then and there duly ſworn, and charged to inquire, for our ſaid lord the king, when, where, how, and after what manner the ſaid *Richard Fenn* came to his death, do upon their oath ſay, That the ſaid *Richard Fenn* not being of ſound mind, memory, and underſtanding, but lunatic and diſtracted, on the firſt day of *September* in the year aforeſaid, at the pariſh and in the county aforeſaid, to wit, into the river of *Thames* there did caſt and throw himſelf, by means of which ſaid caſting and throwing he the ſaid *Richard Fenn*, in the water of the ſaid river, was then and there ſuffocated and drowned, of which ſaid ſuffocation and drowning he the ſaid *Richard Fenn* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *Richard Fenn*, in manner and by means aforeſaid, not being of ſound mind, memory, and underſtanding, but lunatic and diſtracted, did drown and kill himſelf. In witneſs whereof, as well the ſaid coroner as the jurors aforeſaid have to this inquiſition ſet their hands and ſeals on the day and year, and at the place above mentioned.

*G. H.* Coroner.

*A. B.*
*C. D.*
*E. F.*, &c. } Jurors.

(*As in the former precedent to the words*, upon their oath ſay): That the ſaid *R. F.* not having the fear of God before his eyes, but moved and ſeduced by the inſtigation of the devil, on the fifth day of *Auguſt*, in the year aforeſaid, with force and arms, at the pariſh and in the county aforeſaid, in and upon *himſelf* in the peace of God and of our ſaid ſovereign lord the king, then and there being, feloniouſly, wilfully, and of his malice forethought, did make an aſſault; and that the ſaid *R. F.* one end of a certain piece of ſmall cord of no value unto a certain iron bar then and there fixed in the cieling of the round houſe, then and there ſituate and being, (wherein the ſaid *R. F.* was then and there a priſoner in cuſtody charged with felony,) and the other end thereof about his own neck, did fix, tye, and faſten, and therewith did then and there hang, ſuffocate, and ſtrangle *himſelf*; of which ſaid hanging, ſuffocation, and ſtrangling, he the ſaid *R. F.* did then and there die. And ſo the jurors aforeſaid upon their oath aforeſaid, do ſay that the ſaid *R. F.* in manner and by the means aforeſaid, feloniouſly, wilfully, and of his malice forethought, did kill and murder *himſelf*, againſt the peace of our ſaid lord the king, his crown and dignity. And that the ſaid *R. F.* at the time of the committing the felony and murder aforeſaid, had no goods or chattels, lands or tenements, within the ſaid county, or elſewhere, to the knowledge of the ſaid jurors. In witneſs, &c.

Inquiſition by hanging.

No goods.

(*As before*): That the ſaid *R. F.* not having the fear of God before his eyes, but moved and ſeduced by the inſtigation of the devil, on the fifth day of *Auguſt*, in the year aforeſaid, with force and arms, at the pariſh and in the county aforeſaid, in and upon *himſelf*, in the peace of God and of our ſaid ſovereign lord the king, then and there being, feloniouſly, wilfully, and of his malice forethought, did make an aſſault; and that the ſaid *R. F.* with a certain drawn ſword made of iron and ſteel, of the value of 5 *s.* which he the ſaid *R. F.* then and there had and held in his right hand, did then and there give unto *himſelf* one mortal wound in and upon the belly of him the ſaid *R. F.* under the left breaſt, of the breadth of one inch, and of the depth of ſix inches; of which ſaid mortal wound he the ſaid *R. F.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *R. F.* in manner and by the means aforeſaid, feloniouſly, wilfully, and of his malice forethought, did kill and murder *himſelf*, againſt the peace of our ſovereign lord the king, his crown and dignity.

Inquiſition by ſtabbing.

No goods.

And that the ſaid *R. F.* at the time of the ſaid felony and murder ſo as aforeſaid done and committed, had no goods or chattels, lands or tenements, within the ſaid county, or elſewhere, to the knowledge of the ſaid jurors. In witneſs, &c.

By ſhooting.

That the ſaid *R. F.* not having, &c. (*as before, until you come to the word* aſſault, *then proceed*): And that the ſaid *R. F.* a certain piſtol of the value of ten ſhillings charged with gunpowder and a leaden bullet, which he the ſaid *R. F.* then and there had and held in his right hand, felonioufly, wilfully, and of his malice forethought, to and againſt the head of him the ſaid *R. F.* did then and there ſhoot off and diſcharge; and that by means of the ſhooting off and diſcharging of the piſtol aforeſaid, he the ſaid *R. F.* did then and there give unto *himſelf* with the leaden bullet aforeſaid, ſo as aforeſaid diſcharged, and ſhot out of the piſtol aforeſaid by the force of the gunpowder aforeſaid, in and upon the head of him the ſaid *R. F.* one mortal wound of the breadth of one inch, and depth of three inches, of which ſaid mortal wound he the ſaid *R. F.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, &c. (*as in the former, to*) In witneſs, &c.

By drowning.

That the ſaid *R. F.* &c. (*unto the word* aſſault): And that the ſaid *R. F.* into a certain river or ſtream of water, commonly called *Brent* river, at the pariſh aforeſaid, in the county aforeſaid, did violently caſt and throw *himſelf*, by means of which ſaid caſting and throwing he the ſaid *R. F.* in the waters of the ſaid river, was then and there ſuffocated and drowned, of which ſaid ſuffocation and drowning he the ſaid *R. F.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, &c. (*as before, to*) In witneſs, &c.

By poiſoning.

That the ſaid *R. F.* &c. (*as before*, &c.): And that the ſaid *R. F.* a certain quantity of white arſenic, being a deadly poiſon, into a certain quantity of tea infuſed in warm water, felonioufly, wilfully, and of his malice forethought, did then and there put and mix, and then and there, well knowing the ſaid white arſenic to be a deadly poiſon, and that the ſaid *R. F.* a great quantity of the ſaid tea in which the ſaid white arſenic was ſo put and mixt as aforeſaid, afterwards, to wit, on the ſame day, in the ſame year, at the pariſh aforeſaid, in the county aforeſaid, felonioufly, wilfully, and of his malice forethought, did take, drink, and ſwallow down, by means whereof he the ſaid *R. F.* then and there became ſick and diſtempered in his body; and of the ſaid poiſon and the ſaid ſickneſs and diſtemper

diſtemper thereby occaſioned, from the ſaid fifth day of *Auguſt*, in the year aforeſaid, until the ſeventh day of the ſame month in the ſame year, at the pariſh aforeſaid, in the county aforeſaid, did languiſh, and languiſhing did live; on which ſaid ſeventh day of *Auguſt*, in the year aforeſaid, at the pariſh and in the county aforeſaid, he the ſaid *R. F.* of the poiſon, ſickneſs, and diſtemper aforeſaid, did die. And ſo the jurors aforeſaid, &c. *(as before to)* In witneſs, &c. *as before.*

That the ſaid *R. F.* not having the fear of God, &c. *(as before, until you come to the word* aſſault): And that the ſaid *R. F.* with a certain razor made of iron and ſteel, of the value of one ſhilling which he the ſaid *R. F.* then and there had and held in his right hand, the throat or gullet of him the ſaid *R. F.* did then and there ſtrike and cut, thereby then and there giving unto *himſelf* with the razor aforeſaid, in and upon the ſaid throat or gullet of him the ſaid *R. F.* one mortal wound of the length of three inches and depth of one inch, of which ſaid mortal wound he the ſaid *R. F.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *R. F.* in manner and by the means aforeſaid, felonioufly, wilfully, and of his malice forethought, did kill and murder *himſelf*, againſt the peace of our ſaid lord the king, his crown and dignity. And the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *R. F.* at the time of the doing and committing of the felony and murder aforeſaid, had goods and chattels contained in the inventory to this inquiſition annexed, which remain in the cuſtody of *C. D.* who claims the ſame. In witneſs, &c.

By cutting his throat.

Goods found.

*An inventory of the goods and chattels of* R. F. *in the inquiſition annexed, named, who felonioufly, wilfully, and of his malice forethought, cut his throat.*

*Imprimis*, In the hall two mahogany tables, ſix walnut-tree chairs, &c. ſpecifying every particular, as well out doors as in. *(When the whole is taken, conclude with ſaying):*

All which ſaid goods and chattels are appraiſed and valued at the ſum of 20 *l.* The coroner is to write his name, withh is name of office, underneath; and let the jurors alſo ſign their names; then annex the ſchedule, which ſhould be ingroſſed on parchment to be annexed to the inquiſition, and return it.

Appraiſement.

*N. B.* If the goods be not claimed, you only ſay in whoſe hands they are, without more, or the coroner may ſeize

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and deliver them in charge to *the Ville*, and in the inquiſition ſay in whoſe hands (ſuch as the conſtable, church-wardens or overſeers) you deliver them for the uſe of his majeſty, who "*primâ facie*" is always entitled, till a grantee appears and claims.

If the party in whoſe cuſtody the goods, &c. are ſhall appear to be ſervant or bailiff to any ſubject who may claim title, (and in thoſe caſes they generally give due attendance to hear the verdict and ſerve their principal,) in this caſe ſay in the inquiſition, that they remain or are in the hands and cuſtody of *A. B*, the ſervant or bailiff of *C. D.* who claims the ſame.

*Petit Treaſon—in the Wife.*

By killing the huſband with the pin of a window-ſhutter.

That *A. B.* late of the pariſh aforeſaid, in the county aforeſaid, widow, late the wife of the ſaid *C. D.* not having the fear of God before her eyes, but being moved and ſeduced by the inſtigation of the devil, and of her malice forethought, contriving and intending him the ſaid *C. D.* her ſaid late huſband to deprive of his life, and him feloniouſly and *traiterouſly* to kill and murder, on the twenty-ſecond day of *June*, in the year aforeſaid, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, in and upon the ſaid *C. D.* her ſaid huſband, in the peace of God and of our ſaid lord the king then and there being, feloniouſly, *traiterouſly*, wilfully, and of her malice forethought, did make an aſſault; and that the ſaid *A. B.* with a certain iron pin of a window-ſhutter of the value of ſixpence which ſhe the ſaid *A. B.* then and there had and held in her right hand, him the ſaid *C. D.* in and upon the head of him the ſaid *C. D*, near unto the left temple, did then and there ſtrike and beat, thereby then and there giving unto him the ſaid *C. D.* with the iron pin aforeſaid, in and upon the head of him the ſaid *C. D.* near unto the left temple aforeſaid, one mortal wound of the length of two inches, and depth of half an inch, of which ſaid mortal wound he the ſaid *C. D.* from the ſaid twenty-ſecond day of *June* in the year aforeſaid, to the twenty-ninth day of the ſame month in the ſame year, at the pariſh aforeſaid, in the county aforeſaid, did languiſh, and languiſhing did live; on which ſaid twenty-ninth day of *June*, in the year aforeſaid, at the pariſh and in the county aforeſaid, of the mortal wound aforeſaid, he the ſaid *C. D.* died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* him the ſaid *C. D.*

*C D.* her ſaid huſband, in manner and by the means aforeſaid, felonioufly, *traiterouſly*, wilfully, and of her malice forethought, did kill and murder, againſt the peace of our ſaid lord the king, his crown and dignity. And the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* at the time of the committing of the felony and murder aforeſaid, or at any time ſince, had not any goods or chattels, lands or tenements, in the ſaid county, or elſewhere, to the knowledge of the ſaid jurors. In witneſs, &c. No goods.

That *A. B.* late of the pariſh aforeſaid, in the county aforeſaid, widow, late the wife of the ſaid *C. B.* not having the fear of God before her eyes, but moved and ſeduced by the inſtigation of the devil, and of her malice forethought, contriving and intending him the ſaid *C. B.* her ſaid late huſband to deprive of his life, and him felonioufly and *traiterouſly* to kill and murder, on the firſt day of *May*, in the year aforeſaid, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, in and upon the ſaid *C. B.* in the peace of God and of our ſaid lord the king then and there being, felonioufly, *traiterouſly*, wilfully, and of her malice forethought, did make an aſſault; and that the ſaid *A. B.* a great quantity of yellow arſenic, being a deadly poiſon, into a certain quantity of ſtrong beer, felonioufly, *traiterouſly*, wilfully, and of her malice forethought, did then and there put and mix (ſhe the ſaid *A. B.* then and there well knowing the ſaid yellow arſenic to be a deadly poiſon); and that the ſaid *A. B.* afterwards, to wit, on the ſame day and year, at the pariſh aforeſaid, in the county aforeſaid, felonioufly, *traiterouſly*, wilfully, and of her malice forethought, the ſaid poiſon in the ſtrong beer aforeſaid, ſo as aforeſaid put and mixed, did offer and give unto him the ſaid *C. B.* to take, drink, and ſwallow down; and that the ſaid *C. B.* not knowing the poiſon aforeſaid into the ſtrong beer aforeſaid to have been as aforeſaid put and mixed, afterwards, to wit, on the ſaid firſt day of *May*, in the year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, the ſaid poiſon in the ſtrong beer aforeſaid, ſo as aforeſaid put and mixed by the procurements of the ſaid *A. B.* did then and there take, drink, and ſwallow down, and thereupon the ſaid *C. B.* by the poiſon aforeſaid ſo taken, drank, and ſwallowed down as aforeſaid, became then and there ſick and diſtempered in his body; and the ſaid *C. B.* of the poiſon aforeſaid, and of the ſickneſs and diſtemper occaſioned thereby, from the ſaid firſt day *May* in the year aforeſaid, By poiſoning.

until

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and deliver them in charge to *the Ville*, and in the inquiſition ſay in whoſe hands (ſuch as the conſtable, church-wardens or overſeers) you deliver them for the uſe of his majeſty, who "*primâ facie*" is always entitled, till a grantee appears and claims.

If the party in whoſe cuſtody the goods, &c. are ſhall appear to be ſervant or bailiff to any ſubject who may claim title, (and in thoſe caſes they generally give due attendance to hear the verdict and ſerve their principal,) in this caſe ſay in the inquiſition, that they remain or are in the hands and cuſtody of *A. B*, the ſervant or bailiff of *C. D.* who claims the ſame.

*Petit Treaſon—in the Wife.*

By killing the huſband with the pin of a window-ſhutter.

That *A. B.* late of the pariſh aforeſaid, in the county aforeſaid, widow, late the wife of the ſaid *C. D.* not having the fear of God before her eyes, but being moved and ſeduced by the inſtigation of the devil, and of her malice forethought, contriving and intending him the ſaid *C. D.* her ſaid late huſband to deprive of his life, and him feloniouſly and *traiterouſly* to kill and murder, on the twenty-ſecond day of *June*, in the year aforeſaid, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, in and upon the ſaid *C. D.* her ſaid huſband, in the peace of God and of our ſaid lord the king then and there being, feloniouſly, *traiterouſly*, wilfully, and of her malice forethought, did make an aſſault; and that the ſaid *A. B.* with a certain iron pin of a window-ſhutter of the value of ſixpence which ſhe the ſaid *A. B.* then and there had and held in her right hand, him the ſaid *C. D.* in and upon the head of him the ſaid *C. D*, near unto the left temple, did then and there ſtrike and beat, thereby then and there giving unto him the ſaid *C. D.* with the iron pin aforeſaid, in and upon the head of him the ſaid *C. D.* near unto the left temple aforeſaid, one mortal wound of the length of two inches, and depth of half an inch, of which ſaid mortal wound he the ſaid *C. D.* from the ſaid twenty-ſecond day of *June* in the year aforeſaid, to the twenty-ninth day of the ſame month in the ſame year, at the pariſh aforeſaid, in the county aforeſaid, did languiſh, and languiſhing did live; on which ſaid twenty-ninth day of *June*, in the year aforeſaid, at the pariſh and in the county aforeſaid, of the mortal wound aforeſaid, he the ſaid *C. D.* died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* him the ſaid *C. D.*

*C. D.* her ſaid huſband, in manner and by the means aforeſaid, feloniouſly, *traiterouſly*, wilfully, and of her malice forethought, did kill and murder, againſt the peace of our ſaid lord the king, his crown and dignity. And the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* at the time of the committing of the felony and murder aforeſaid, or at any time ſince, had not any goods or chattels, lands or tenements, in the ſaid county, or elſewhere, to the knowledge of the ſaid jurors. In witneſs, &c. No goods.

That *A. B.* late of the pariſh aforeſaid, in the county aforeſaid, widow, late the wife of the ſaid *C. B.* not having the fear of God before her eyes, but moved and ſeduced by the inſtigation of the devil, and of her malice forethought, contriving and intending him the ſaid *C. B.* her ſaid late huſband to deprive of his life, and him feloniouſly and *traiterouſly* to kill and murder, on the firſt day of *May*, in the year aforeſaid, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, in and upon the ſaid *C. B.* in the peace of God and of our ſaid lord the king then and there being, feloniouſly, *traiterouſly*, wilfully, and of her malice forethought, did make an aſſault; and that the ſaid *A. B.* a great quantity of yellow arſenic, being a deadly poiſon, into a certain quantity of ſtrong beer, feloniouſly, *traiterouſly*, wilfully, and of her malice forethought, did then and there put and mix (ſhe the ſaid *A. B.* then and there well knowing the ſaid yellow arſenic to be a deadly poiſon); and that the ſaid *A. B.* afterwards, to wit, on the ſame day and year, at the pariſh aforeſaid, in the county aforeſaid, feloniouſly, *traiterouſly*, wilfully, and of her malice forethought, the ſaid poiſon in the ſtrong beer aforeſaid, ſo as aforeſaid put and mixed, did offer and give unto him the ſaid *C. B.* to take, drink, and ſwallow down; and that the ſaid *C. B.* not knowing the poiſon aforeſaid into the ſtrong beer aforeſaid to have been as aforeſaid put and mixed, afterwards, to wit, on the ſaid firſt day of *May*, in the year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, the ſaid poiſon in the ſtrong beer aforeſaid, ſo as aforeſaid put and mixed by the procurements of the ſaid *A. B.* did then and there take, drink, and ſwallow down, and thereupon the ſaid *C. B.* by the poiſon aforeſaid ſo taken, drank, and ſwallowed down as aforeſaid, became then and there ſick and diſtempered in his body; and the ſaid *C. B.* of the poiſon aforeſaid, and of the ſickneſs and diſtemper occaſioned thereby, from the ſaid firſt day *May* in the year aforeſaid, until By poiſoning.

until the tenth day of the ſame month in the ſame year, at the pariſh and in the county aforeſaid, did languiſh, and languiſhing did live; on which ſaid tenth day of *May* in the year aforeſaid, he the ſaid *C. B.* at the pariſh aforeſaid, in the county aforeſaid, of the poiſon aforeſaid, and of the ſickneſs and diſtemper thereby occaſioned, did die. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* him the ſaid *C. B.* her ſaid huſband, in manner and by the means aforeſaid, feloniouſly, *traiterouſly*, wilfully, and of her malice forethought, did poiſon, kill, and murder, againſt the peace of our ſaid lord the king, his crown and dignity. And that the ſaid *A. B.* at the time of the committing of the felony and murder aforeſaid, or at any time ſince, had not any goods or chattels, lands or tenements, within the ſaid county, or elſewhere, to the knowledge or the ſaid jurors. In witneſs, &c.

No goods.

By ſtabbing.

(*As in the other, to the word* aſſault): And that the ſaid *A. B.* with a certain penknife made of iron and ſteel of no value, which ſhe the ſaid *A. B.* then and there had and held in her right hand, him the ſaid *C. B.* in and upon the left breaſt of him the ſaid *C. B.* her ſaid huſband, did then and there ſtrike, ſtab, and penetrate; and that the ſaid *A. B.* by the ſtriking and ſtabbing aforeſaid, did then and there give unto him the ſaid *C. B.* in and upon his left breaſt aforeſaid, with the penknife aforeſaid, one mortal wound of the length of one inch, and of the depth of three inches, of which ſaid mortal wound he the ſaid *C. B.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* him the ſaid *C. B.* her ſaid huſband, in manner and by the means aforeſaid, feloniouſly, *traiterouſly*, wilfully, and of her malice forethought, did kill and murder, againſt the peace of our ſaid lord the king, his crown and dignity. And that the ſaid *A. B.* after ſhe had committed the felony and murder aforeſaid, in manner and by the means aforeſaid, withdrew and fled for the ſame; and that at the time of the committing thereof, or at any time ſince, ſhe had not any goods or chattels, lands or tenements, within the ſaid county or elſewhere, to the knowledge of the ſaid jurors. And that the inhabitants of the ſaid pariſh did not make and levy, and cauſe to be made and levied *hue and cry* after the ſaid *A. B.* in order that the ſaid *A. B.* might have been apprehended and taken for the ſaid felony and murder, as, by the laws and cuſtoms of this realm, they ought to have done. In witneſs, &c.

Flight.

No goods.

(*As*

(*As in the other, to the word* aſſault): And that the ſaid *A. B.* with a certain caſe knife made of iron and ſteel of the value of 6*d.* which ſhe the ſaid *A. B.* then and there had and held in her right hand, the throat or gullet of him the ſaid *C. B.* feloniouſly, *traiterouſly*, wilfully, and of her malice forethought, did ſtrike and cut; and that the ſaid *A. B.* with the caſe knife aforeſaid, by the ſtriking and cutting aforeſaid, did then and there give unto him the ſaid *C. B.* in and upon the ſaid throat or gullet of him the ſaid *C. B.* one mortal wound of the length of three inches, and depth of one inch, of which ſaid mortal wound he the ſaid *C. B.* from the ſaid ſeventh day of *September*, in the year aforeſaid, to the thirtieth day of the ſame month in the ſame year, at the pariſh aforeſaid in the county aforeſaid, and alſo at the pariſh of *St. Mary Matfellon*, otherwiſe *Whitechapel*, in the ſame county, to wit, in the *London* hoſpital there ſituate, did languiſh, and languiſhing did live; on which ſaid thirtieth day of *September*, in the year aforeſaid, he the ſaid *C. B.* in the hoſpital aforeſaid, at the ſaid pariſh of *St. Mary Matfellon*, otherwiſe *Whitechapel*, in the county aforeſaid, of the mortal wound aforeſaid, did die. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* him the ſaid *C. B.* her ſaid huſband, in manner and by the means aforeſaid, feloniouſly, *traiterouſly*, wilfully, and of her malice forethought, did kill and murder, againſt the peace of our ſaid lord the king, his crown and dignity. And that the ſaid *A. B.* At the time of the committing the felony and murder aforeſaid, or at any time ſince, had no goods or chattels, lands or tenements, in the ſaid county or elſewhere, to the knowledge of the ſaid jurors. In witneſs, &c.

By cutting the throat.

Languiſhing in two pariſhes.

No goods.

(*As in the other to the word* aſſault): And that the ſaid *C. D.* a certain piece of ſmall cord of no value, about the neck of him the ſaid *A. B.* then and there, feloniouſly, *traiterouſly*, wilfully, and of his malice forethought, did fix, tye, and faſten, and that the ſaid *C. D.* him the ſaid *A. B.* with the piece of ſmall cord aforeſaid, did then and there choak, ſuffocate, and ſtrangle, of which ſaid choaking, ſuffocation, and ſtrangling, he the ſaid *A. B.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *C. D.* the ſervant of the ſaid *A. B.* him the ſaid *A. B.* his ſaid maſter, in manner and by the means aforeſaid, feloniouſly, *traiterouſly*, wilfully, and of his malice forethought, did kill and murder, againſt the peace of our ſaid lord the king,

Servant ſtrangling the maſter.

king, his crown and dignity. And that the ſaid *C. D.* after he had done and committed the felony and murder aforeſaid, in manner aforeſaid, withdrew and fled for the ſame. And that at the time of the doing and commiting thereof, or at any time ſince, he had no goods or chattels, lands or tenements, within the ſaid county or elſewhere, to the knowledge or notice of the ſaid jurors. In witneſs, &c.

Flight.

No goods.

Killing with a poker.

That *C. D.* late of the pariſh aforeſaid, in the county aforeſaid, labourer, not having the fear of God before his eyes, but moved and ſeduced by the inſtigation of the devil, on the ſixth day of *Auguſt*, in the year aforeſaid, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, in and upon the ſaid *A. B.* in the peace of God and of our ſaid lord the king then and there being, feloniouſly, wilfully, and of his malice forethought, did make an aſſault. And that the ſaid *C. D.* with a certain iron poker of the value of one ſhilling which he the ſaid *C. D.* then and there had and held in both his hands, him the ſaid *A. B.* in and upon the head of him the ſaid *A. B.* then and there divers times, feloniouſly, wilfully, and of his malice forethought, did ſtrike and beat. And that the ſaid *C. D.* did then and there give unto him the ſaid *A. B.* in and upon the head of him the ſaid *A. B.* with the iron poker aforeſaid, divers mortal bruiſes, of which ſaid mortal bruiſes he the ſaid *A. B.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *C. D.* him the ſaid *A. B.* in manner and by the means aforeſaid, feloniouſly, wilfully, and of his malice forethought, did kill and murder, againſt the peace of our ſaid lord the king, his crown and dignity. And that the ſaid *C. D.* after the doing and committing of the ſaid felony and murder aforeſaid, withdrew and fled for the ſame. And that at the time of the doing and committing thereof, or at any time ſince, he had no goods or chattels, lands or tenements, within the ſaid county or elſewhere, to the knowledge or notice of the ſaid jurors. In witneſs whereof, &c.

Flight.

No goods.

Killing of the wife with a pair of bellows by the huſband.

(*As before, to the word* aſſault): And that the ſaid *A. B.* with a certain pair of bellows of the value of 1 *s.* which he the ſaid *A. B.* then and there had and held in both his hands, her the ſaid *Sarah*, in and upon the right ſide of the head near the right temple of her the ſaid *Sarah*, then and there, feloniouſly, wilfully, and of his malice forethought, did hit and ſtrike. And that the ſaid *A. B.* did then and there give unto her the ſaid *Sarah*, by

by ſuch ſtriking at her with the bellows aforeſaid, one mortal bruiſe in and upon the ſaid right ſide of the head near the right temple of her the ſaid *Sarah*, of which ſaid mortal bruiſe ſhe the ſaid *Sarah* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* her the ſaid *S.* in manner and by the means aforeſaid, feloniouſly, wilfully, and of his malice forethought, did kill and murder, againſt the peace of our ſaid lord the king, his crown and dignity. And that after the ſaid *A. B.* had done and committed the felony and murder aforeſaid, in manner and by the means aforeſaid, he the ſaid *A. B.* withdrew and fled for the ſame. And that the ſaid *A. B.* at the time of the doing and committing of the felony and murder aforeſaid, or at any time ſince, had no goods or chattels, lands or tenements, within the ſaid county or elſewhere, to the knowledge of the ſaid jurors. In witneſs, &c. Flight. No goods.

(*As before, to the word* aſſault): And that the ſaid *C. D.* a certain piſtol of the value of 10*s.* charged and loaded with gunpowder and a leaden bullet, which he the ſaid *C. D.* then and there had and held in his right hand, to and againſt the head of him the ſaid *A. B.* did then and there ſhoot off and diſcharge; by means whereof he the ſaid *C. D.* feloniouſly, wilfully, and of his malice forethought, did then and there give unto him the ſaid *A. B.* with the leaden bullet aforeſaid, ſo as aforeſaid ſhot off and diſcharged out of the piſtol aforeſaid, by the force of the gunpowder aforeſaid, in and upon the head of him the ſaid *A. B.* one mortal wound, penetrating the brain of him the ſaid *A. B.* of which ſaid mortal wound he the ſaid *A. B.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *C. D.* him the ſaid *A. B.* in the manner and by the means aforeſaid, feloniouſly, wilfully, and of his malice forethought, did kill and murder, againſt the peace of our ſaid lord the king, his crown and dignity. And that the ſaid *C. D.* &c. (*as before, if in the caſe of a flight and no goods, &c. or of either of them, as the fact may turn out.*) In witneſs, &c. By ſhooting with a piſtol. Flight. No goods.

(*As before, to the word* aſſault): And that the ſaid *C. D.* a certain linen handkerchief of no value, about the neck of her the ſaid *A. B.* then and there, feloniouſly, wilfully, and of her malice forethought, did fix, tye, and faſten, and that the ſaid *C. D.* her the ſaid *A. B.* with the linen handkerchief aforeſaid, feloniouſly, wilfully, and of her malice forethought, did then and there choak, ſtrangle, and ſuffocate; of which ſaid By ſtrangling.

ſaid choaking, ſtrangling, and ſuffocation, ſhe the ſaid *A. B.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *C. D.* her the ſaid *A. B.* in manner and by the means aforeſaid, feloniouſly, wilfully, and of her malice forethought, did kill and murder, againſt the peace of our ſaid lord the king, his crown and dignity.—(*Flight—Goods*, &c.—*in both or either caſe as before.*) In witneſs, &c.

Of a baſtard by ſtrangling.

That *A. B.* late of the pariſh aforeſaid, in the county aforeſaid, ſingle woman, on the twenty-firſt day of *March* in the year aforeſaid, being big with the ſaid male child afterwards, to wit, on the ſame day, in the ſame year, at the pariſh aforeſaid, in the county aforeſaid, the ſaid male child alone, and ſecretly from her body, by the providence of God, did bring forth alive; which ſaid male child, by the laws and cuſtoms of this realm, was a *baſtard*. And that the ſaid *A. B.* not having the fear of God before her eyes, but moved and ſeduced by the inſtigation of the devil, afterwards, to wit, on the ſame day, and in the ſame year, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, in and upon the ſaid male *baſtard* child ſo alive, and in the peace of God and of our ſaid lord the king then and there being, feloniouſly, wilfully, and of her malice forethought, did make an aſſault. And that ſhe the ſaid *A. B.* with both her hands about the neck of him the ſaid male *baſtard* child then and there fixed, he the ſaid male *baſtard* child did then and there feloniouſly, wilfully, and of her malice forethought, choak, ſtrangle, and ſuffocate, of which ſaid choaking, ſtrangling, and ſuffocation, he the ſaid male *baſtard* child then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* him the ſaid male *baſtard* child, in manner and by the means aforeſaid, feloniouſly, wilfully, and of her malice forethought, did kill and murder, againſt the peace of our ſaid lord the king, his crown and dignity.—(*Flight—Goods, &c.—in both or either caſe, as before.*) In witneſs, &c. *ut ſupra.*

This generally ſerves as a charge where there are no marks of violence or evidence of any particular death.

By ſending poiſon. Vide Keyl. 52, 53.

That *G. L.* late of the pariſh aforeſaid, in the county aforeſaid, labourer, not having the fear of God before his eyes, but moved and ſeduced by the inſtigation of the devil, and of his malice forethought, contriving and intending the ſaid *A. B.* with poiſon feloniouſly to kill and murder, on the twenty-third day of *June*, in the year aforeſaid,

ſaid, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, a great quantity of yellow arſenic, being a deadly poiſon, with a certain quantity of white wine, feloniouſly, wilfully, and of his malice forethought, did mix and mingle, he the ſaid *G. L.* then and there well knowing the ſaid yellow arſenic to be a deadly poiſon; and that the ſaid *G. L.* afterwards, to wit, on the ſame day and year, at the pariſh aforeſaid, in the county aforeſaid, the poiſon aforeſaid, ſo as aforeſaid mixed and mingled with the white wine aforeſaid, feloniouſly, wilfully, and of his malice forethought, did ſend to her the ſaid *A. B.* to take, drink, and ſwallow down; and that the ſaid *A. B.* not knowing the poiſon aforeſaid, in the white wine aforeſaid, to have been mixed and mingled as aforeſaid, afterwards, to wit, on the ſame day, in the ſame year, at the pariſh aforeſaid, in the county aforeſaid, the ſaid poiſon ſo as aforeſaid mixed and mingled, by the procurement and perſuaſion of the ſaid *G. L.* did take, drink, and ſwallow down; and thereupon the ſaid *A. B.* by the poiſon aforeſaid, ſo mixed and mingled as aforeſaid, and ſo taken, drank, and ſwallowed down as aforeſaid, became then and there ſick and diſtempered in her body, and the ſaid *A. B.* of the poiſon aforeſaid, and of the ſickneſs and diſtemper occaſioned thereby, from the ſaid twenty-third day of *June* in the year aforeſaid, until the twenty-fifth day of the ſame month, in the ſame year, at the pariſh aforeſaid, in the county aforeſaid, did languiſh, and languiſhing did live; on which ſaid twenty-fifth day of *June* in the year aforeſaid, ſhe the ſaid *A. B.* at the pariſh aforeſaid, in the county aforeſaid, of the poiſon aforeſaid, and of the ſickneſs and diſtemper thereby occaſioned, did die. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *G. L.* her the ſaid *A. B.* in manner and by the means aforeſaid, feloniouſly, wilfully, and of his malice forethought, did poiſon, kill, and murder, againſt the peace of our ſaid lord the king, his crown and dignity.—*(Flight—Forfeiture—as before.)* In witneſs, &c.

By giving poiſon.

That *M. S.* late of the pariſh aforeſaid, in the county aforeſaid, labourer, not having the fear of God before his eyes, but moved and ſeduced by the inſtigation of the devil, and of his malice forethought, contriving and intending her the ſaid *A. B.* with poiſon feloniouſly to kill and murder, on the eleventh day of *September* in the year aforeſaid, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, a great quantity of white arſenic,

arſenic, being a deadly poiſon, in a certain quantity of cyder, feloniouſly, wilfully, and of his malice forethought, did mix and mingle, he the ſaid *M. S.* then and there well knowing the ſaid white arſenic to be a deadly poiſon. And that the ſaid *M. S.* afterwards, to wit, on the ſame day and year, at the pariſh aforeſaid, in the county aforeſaid, the poiſon aforeſaid, ſo as aforeſaid mixed and mingled, feloniouſly, wilfully, and of his malice forethought, did give and offer to her the ſaid *A. B.* to take, drink, and ſwallow down; and that the ſaid *A. B.* not knowing the poiſon aforeſaid in the cyder aforeſaid to have been mixed and mingled as aforeſaid, afterwards, to wit, on the ſame day and year, at the pariſh aforeſaid, in the county aforeſaid, the ſaid poiſon ſo as aforeſaid mixed and mingled, by the procurement and perſuaſion of the ſaid *M. S.* did take, drink, and ſwallow down; and thereupon the ſaid *A. B.* by the poiſon aforeſaid, ſo as aforeſaid taken, drank, and ſwallowed down, became then and there ſick and diſtempered in her body; and the ſaid *A. B.* of the poiſon aforeſaid, and of the ſickneſs and diſtemper thereby occaſioned, from the ſaid eleventh day of *September* in the year aforeſaid, until the fifteenth day of the ſame month, in the ſame year, at the pariſh aforeſaid, in the county aforeſaid, did languiſh, and languiſhing did live; on which ſaid fifteenth day of *September* in the year aforeſaid, at the pariſh and in the county aforeſaid, ſhe the ſaid *A. B.* of the poiſon aforeſaid, and of the ſickneſs and diſtemper thereby occaſioned, did die. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *M. S.* her the ſaid *A. B.* in manner and by the means aforeſaid, feloniouſly, wilfully, and of his malice forethought, did poiſon, kill, and murder, againſt the peace of our ſaid lord the king, his crown and dignity. (*—Flight—Forfeiture, occaſionally, as before.*) In witneſs, &c.

By forcing to drink to exceſs.

That *W. B.* late of the pariſh aforeſaid, in the county aforeſaid, labourer, and *G. B.* late of the ſame, labourer, not having the fear of God before their eyes, but moved and ſeduced by the inſtigation of the devil, and of their malice forethought, contriving and intending him the ſaid *W. F.* feloniouſly to kill and murder, on the tenth day of *November*, in the year aforeſaid, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, in and upon the ſaid *W. F.* in the peace of God and of our ſaid lord the king, feloniouſly, wilfully, and of their malice

malice forethought, did make an aſſault; and that the ſaid *W. B.* and *G. B.* then and there, felonioufly, wilfully, and of their malice forethought, did compel and force him the ſaid *W. F.* then and there againſt his will to take, drink, and ſwallow down, a great quantity, to wit, three half pints of diſtilled ſpirituous liquor, commonly called *Geneva*. And that the ſaid *W. F.* by the compulſion and force aforeſaid, of them the ſaid *W. B.* and *G. B.* then and there againſt his will did take, drink, and ſwallow down a great quantity of the ſaid diſtilled ſpirituous liquor called *Geneva*, to wit, the quantity of three half pints; by reaſon of which ſaid drinking and ſwallowing down of the ſaid great quantity of ſpirituous liquor called *Geneva*, in manner aforeſaid, by the compulſion aforeſaid, and againſt the will of him the ſaid *W. F.* he the ſaid *W. F.* then and there became ſuffocated and choaked, and thereof then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that they the ſaid *W. B.* and *G. B.* him the ſaid *W. F.* in manner, and by the means aforeſaid, felonioufly, wilfully, and of their malice forethought, did kill and murder, againſt the peace of our ſaid lord the king, his crown and dignity.—*(Flight—Forfeiture—as before.)* In witneſs, *&c.*

By forcing a ſick perſon into the ſtreet.

*(As before)*: That *W. J.* late of the pariſh aforeſaid, in the county aforeſaid, labourer, not having the fear of God before his eyes, but moved and ſeduced by the inſtigation of the devil, on the 14th day of *December*, in the year aforeſaid, at an unreaſonable hour in the night, to wit, about the hour of 11 in the night of the ſame day, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, in and upon the ſaid *E. B.* then and there being, in the peace of God and of our ſaid lord the king; and alſo then and there being in extreme ſickneſs and weakneſs of body, occaſioned by a fever, and then and there confined to her bed, in the dwelling houſe of him the ſaid *W. J.* there ſituate, felonioufly, wilfully, and of his malice forethought, did make an *aſſault*. And that the ſaid *W. J.* her the ſaid *E. B.* from and out of the ſaid bed, and alſo out of the ſaid dwelling houſe into the public and open ſtreet there, did then and there violently, felonioufly, wilfully, and of his malice forethought, remove, force, and drive, and there leave, (he the ſaid *W. J.* then and there well knowing the ſaid *E. B.* to be then in extreme ſickneſs and weakneſs of body, occaſioned by the fever aforeſaid,) by means where-

of ſhe the ſaid *E. B.* through cold and the inclemency of the weather, and for want of due care and other neceſſaries requiſite for a perſon in ſuch ſickneſs and weakneſs as aforeſaid, then and there died. And ſo the jurors aforeſaid upon their oath aforeſaid, do ſay, that the ſaid *W. J.* her the ſaid *E. B.* in manner and by the means aforeſaid, feloniouſly, wilfully, and of his malice forethought, did kill and murder, againſt the peace of our ſaid lord the king, his crown and dignity.—(*Flight—Forfeiture—as before.*) In witneſs, &c.

By ſuffocating a baſtard.

That *A. B.* late of the pariſh aforeſaid, in the county aforeſaid, ſingle woman, on the 3d day of *July*, in the year aforeſaid, being then and there big with a female child, afterwards, to wit, on the ſame day and year, at the pariſh aforeſaid, in the county aforeſaid, the ſaid female child, alone and ſecretly from her body, by the providence of God, did bring forth alive, which ſaid female child, by the laws and cuſtoms of this kingdom, was a *baſtard*. And that the ſaid *A. B.* not having the fear of God before her eyes, but moved and ſeduced by the inſtigation of the devil, afterwards, to wit, on the ſame day and year, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, in and upon the ſaid new born female child, ſo alive, and in the peace of God and of our ſaid lord the king, then and there being, feloniouſly, wilfully, and of her malice forethought, did make an *aſſault*. And that the ſaid *A. B.* her the ſaid new born female child with both her hands in a certain linen cloth of no value, then and there, feloniouſly, wilfully, and of her malice forethought, did wrap up and fold, by means of which ſaid wrapping up and folding of her the ſaid new born female *baſtard* child in the linen cloth aforeſaid, ſhe the ſaid new born female child was then and there ſuffocated and ſmothered, of which ſaid ſuffocation and ſmothering ſhe the ſaid new born female child, then and there inſtantly died. And ſo the jurors aforeſaid upon their oath aforeſaid, do ſay, that the ſaid *A. B.* her the ſaid new born female *baſtard* child, in manner and by the means aforeſaid, feloniouſly, wilfully, and of her malice forethought, did kill and murder, againſt the peace of our ſaid lord the king, his crown and dignity.—(*Flight—Forfeiture—as before.*) In witneſs, &c.

By drowning a baſtard.

That *A. B.* late, &c. (*as before to the word* aſſault): And that the ſaid *A. B.* her the ſaid new born female child, did then and there take into both her hands, and her

her the ſaid new born female child into a certain pond of water, then and there being, in a certain field, commonly called the——field, ſituate in the pariſh aforeſaid, in the county aforeſaid, then and there feloniouſly, wilfully, and of her malice forethought, did violently caſt and throw; by means whereof ſhe the ſaid new born female child, in the waters of the ſaid pond, was then and there ſuffocated and drowned; of which ſaid ſuffocation and drowning ſhe the ſaid new born female child, then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* her the ſaid new born female *baſtard* child in manner and by the means aforeſaid, feloniouſly, wilfully, and of her malice forethought, did kill and murder, againſt the peace of our ſaid lord the king, his crown and dignity.—*(Flight—Forfeiture—as before.)* In witneſs, *&c.*

By throwing down a privy.

That *A. B.* late of the pariſh aforeſaid, in the county aforeſaid, ſingle woman, *(as before to the word* aſſault): And that the ſaid *A. B.* him the ſaid new born male child, did then then and there take into both her hands, and him the ſaid new born male child into a certain privy or neceſſary houſe there ſituate, then and there, feloniouſly, wilfully, and of her malice forethought, did violently caſt and throw down; by means whereof he the ſaid new born male child in the ſoil or filth then and there contained in the ſaid privy or neceſſary houſe, was then and there ſuffocated and ſmothered, of which ſaid ſuffocation and ſmothering he the ſaid new born male child, then and there inſtantly died. And ſo the jurors aforeſaid, &c. *(as before.—Flight—Forfeiture—as before.)* In witneſs, *&c.*

By ſtarving to death.

That *G. D.* late of the pariſh aforeſaid, in the county aforeſaid, labourer, not having the fear of God before his eyes, but moved and ſeduced by the inſtigation of the devil, and of his malice forethought, contriving and intending him the ſaid *S. L.* apprentice to him the ſaid *G. D.* feloniouſly to ſtarve, kill, and murder, on the 17th day of *December*, in the year aforeſaid, and continually afterwards until the 31ſt day of the ſame month, in the ſame year, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, in and upon the ſaid *S. L.* his apprentice as aforeſaid, in the peace of God and of our ſaid lord the king, then and there being, feloniouſly, wilfully, and of his malice forethought, did make an *aſſault*. And that the ſaid *G. D.* him the ſaid *S. L.* in a certain room in the dwelling houſe of him the ſaid *G. D.* there ſituate, feloniouſly, wilfully, and of his malice fore-

forethought, did ſecretly confine and impriſon. And that the ſaid *G. D.* from the ſaid 17th day of *December*, in the year aforeſaid, until the 31ſt day of the ſame month, in the ſame year, at the pariſh aforeſaid, in the county aforeſaid, feloniouſly, wilfully, and of his malice forethought, did neglect, omit, and refuſe to give and adminiſter to him the ſaid *S. L.* ſufficient meat and drink, neceſſary for the ſuſtenance, ſupport, and maintenance of him the ſaid *S. L.* by means of which ſaid confinement and impriſonment, and alſo for want of ſuch meat and drink as were ſufficient and neceſſary for the ſuſtenance, ſupport, and maintenance of the body of him the ſaid *S. L.* he the ſaid *S. L.* from the ſaid 17th day of *December*, in the ſaid year, until the ſaid 31ſt day of the ſame month, in the ſame year, at the pariſh aforeſaid, in the county aforeſaid, did languiſh and pine, and became greatly conſumed and emaciated in his body, and during the time aforeſaid, did languiſh, and languiſhing did live; on which ſaid 31ſt day of *December*, in the year aforeſaid, at the pariſh and in the county aforeſaid, he the ſaid *S. L.* of ſuch confinement and impriſonment, and for want of ſuch due and neceſſary meat and drink for the ſuſtenance, ſupport, and maintenance of his body, did die. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *G. D.* him the ſaid *S. L.* in manner and by the means aforeſaid, feloniouſly, wilfully, and of his malice forethought, did ſtarve, kill, and murder, againſt the peace of our ſaid lord the king, his crown and dignity.—(*Flight—Forfeiture.*) In witneſs, *as before.*

By riding over a perſon with a mare.

That *W. W.* late of the pariſh aforeſaid, in the county aforeſaid, labourer, not having the fear of God before his eyes, but moved and ſeduced by the inſtigation of the devil, on the 10th day of *March*, in the year aforeſaid, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, in and upon the ſaid *A. B.* in the peace of God, and of our ſaid lord the king, then and there being, feloniouſly, wilfully, and of his malice forethought, did make an *aſſault*. And that the ſaid *W. W.* then and there, riding upon a certain grey mare of the price of 10*l.* the ſaid mare in and upon the ſaid *A. B.* then and there, feloniouſly, wilfully, and of his malice forethought, did ride and force; and upon and over the ſaid *A. B.* with the mare aforeſaid, then and there, did ride and throw to the ground, by means whereof the ſaid mare with her hinder feet him the ſaid

*A. B.*

*A. B.* ſo thrown to and on the ground as aforeſaid, in and upon the hinder part of the head of him the ſaid *A. B.* did then and there ſtrike and kick, thereby then and there giving unto him the ſaid *A. B.* in and upon the ſaid hinder part of the head of him the ſaid *A. B.* one mortal fracture and contuſion, of which ſaid mortal fracture and contuſion he the ſaid *A. B.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *W. W.* him the ſaid *A B.* in manner and by the means aforeſaid, feloniouſly, wilfully, and of his malice forethought, did kill and murder, againſt the peace of our ſaid lord the king, his crown and dignity.—(*Flight—Forfeiture.*) In witneſs, &c. (*as before.*)

*Manſlaughter.*

That *C. D.* late of the pariſh of *Ealing*, in the ſaid county, labourer, on the 24th day of *March*, in the year aforeſaid, with force and arms, at the pariſh of *Ealing* aforeſaid, in the county aforeſaid, in and upon the ſaid *A. B.* in the peace of God, and of our ſaid lord the king, then and there being, feloniouſly did make an *aſſault*. And that the ſaid *C. D.* with both his hands him the ſaid *A. B.* then and there feloniouſly did throw and caſt to the ground, thereby then and there giving unto him the ſaid *A. B.* one mortal bruiſe, in and upon the lower part of the belly of him the ſaid *A. B.* under the navel, of which ſaid mortal bruiſe he the ſaid *A. B.* at the pariſh of *Ealing* aforeſaid, in the county aforeſaid, and alſo at the ſaid pariſh of *Acton*, in the ſame county, from the ſaid 24th day of *March*, in the year aforeſaid, until the 28th day of the ſame month, in the ſame year, did languiſh, and languiſhing did live, on which ſaid 28th day of *March*, in the year aforeſaid, at the ſaid pariſh of *Acton*, in the county aforeſaid, he the ſaid *A. B.* of the mortal bruiſe aforeſaid, did die. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *C. D.* him the ſaid *A. B.* in manner and by the means aforeſaid, feloniouſly did kill and ſlay, againſt the peace of our ſaid lord the king, his crown and dignity. And that the ſaid *C. D.* after he had done and committed the felony and manſlaughter aforeſaid, in manner aforeſaid, withdrew and fled for the ſame. And that he the ſaid *C. D.* at the time of the doing and committing of the felony and manſlaughter aforeſaid, or at any time ſince, had no goods or chattels, lands or tenements, within the ſaid county, or elſewhere, to the knowledge or notice of the ſaid jurors. In witneſs, &c.

By throwing to the ground and bruiſing.

Flight.

No goods.

By throwing to the ground, beating and kicking, &c.

That *C. D.* late of the parish of *St. Margaret*, in the city and liberty of *Westminster*, in the county aforesaid, labourer, together with divers other persons, to the jurors aforesaid as yet unknown, on the 19th day of *June*, in the year aforesaid, with force and arms, at the said parish of *St. Margaret*, in the city, liberty, and county aforesaid, in and upon the said *A. B.* in the peace of God, and of our said lord the king, then and there being, feloniously did make an *assault*. And that the said *C. D.* with a certain oaken stick of no value, which he the said *C. D.* then and there had and held in his right hand him the said *A. B.* in and upon the head, shoulders, breast, and stomach of him the said *A. B.* did then and there divers times feloniously strike and beat. And that the said *C. D.* and the said divers other persons, to the jurors aforesaid as yet unknown, him the said *A. B.* did then and there violently and feloniously cast and throw to the ground. And that the said *C. D.* and the said divers other persons unknown, him the said *A. B.* then and there lying upon the ground as aforesaid, with the feet of him the said *C. D.* and also with the feet of the said divers other persons unknown, in and upon the said head, shoulders, breast, and stomach of him the said *A. B.* then and there, feloniously did strike, kick, and trample, thereby then and there giving unto him the said *A. B.* divers mortal bruises, in and upon the said head, shoulders, breast, and stomach of him the said *A. B.* of which said mortal bruises he the said *A. B.* at the said parish of *St. Margaret*, and also at the parish of *St. Giles in the Fields*, in the county aforesaid, and also in a certain hospital, situate in the said parish of *St. Mary le Bonne* first above mentioned, commonly called the *Middlesex* hospital, in the county aforesaid, from the said nineteenth day of *June*, in the year aforesaid, until the twenty-fifth day of *July*, in the same year, did languish, and languishing did live, on which said twenty-fifth day of *July*, in the same year, in the hospital aforesaid, in the said parish of *St. Mary le Bonne*, in the county aforesaid, he the said *A. B.* of the mortal bruises aforesaid, did die. And so the jurors aforesaid, upon their oath aforesaid, do say, that the said *C. D.* and the said divers other persons, to the jurors aforesaid as yet unknown, him the said *A. B.* in manner and by the means aforesaid, feloniously did kill and slay, against the peace of our said lord the king, his crown and dignity.—(*Flight—Forfeiture.*) In witness, &c. (*as before.*)

To

To the word *aſſault*. And that the ſaid *C. D.* with both his hands him the ſaid *A. B.* did then and there, in and upon the head and left temple of him the ſaid *A. B.* feloniouſly ſtrike and beat. And that the ſaid *C. D.* by the ſtriking and beating aforeſaid, did then and there give unto him the ſaid *A. B.* one mortal bruiſe in and upon the ſaid left temple of him the ſaid *A. B.* of which ſaid mortal bruiſe he the ſaid *A. B.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *C. D.* him the ſaid *A. B.* in manner and by the means aforeſaid, feloniouſly did kill and ſlay, againſt the peace of our ſaid lord the king, his crown and dignity. (*Flight—Forfeiture.*) In witneſs, &c. (*as before.*)

By beating about the head and temples.

To the word *aſſault*. And that the ſaid *J. M.* a certain large kniſe made of iron and ſteel, of the value of 6*d.* which he the ſaid *J. M.* then and there had and held in his right hand, at and againſt him the ſaid *A. B.* then and there feloniouſly did caſt and throw, and him the ſaid *A. B.* with the kniſe aforeſaid ſo caſt and thrown as aforeſaid, in and upon the left ſide of the body of him the ſaid *A. B.* near the groin, then and there feloniouſly did ſtrike and ſtab; and that the ſaid *J. M.* with the kniſe aforeſaid ſo caſt and thrown as aforeſaid, did then and there feloniouſly give unto him the ſaid *A. B.* in and upon the ſaid left ſide of the body of him the ſaid *A. B.* near the groin, one mortal wound of the breadth of one inch and depth of two inches, of which ſaid mortal wound he the ſaid *A. B.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *J. M.* him the ſaid *A. B.* in manner and by the means aforeſaid, feloniouſly did kill and ſlay, againſt the peace of our ſaid lord the king, his crown and dignity.—(*Flight—Forfeiture.*) In witneſs, &c. (*as before.*)

By throwing a kniſe.

That *C. D.* late of the pariſh aforeſaid, in the county aforeſaid, labourer, on the twenty-ſecond day of *April*, in the year aforeſaid, at the pariſh and in the county aforeſaid, in and upon the ſaid *A. B.* in the peace of God and of our ſaid lord the king, then and there being feloniouſly *and in the fury of his mind*, did make an *aſſault*. And that the ſaid *C. D.* with a certain drawn ſword made of iron and ſteel, of the value of 5*s.* which he the ſaid *C. D.* then and there had and held in his right hand, him the ſaid *A. B.* in and upon the left breaſt of him the ſaid *A. B.* then and there feloniouſly, *and in the fury of his mind* did ſtrike and ſtab (" he the ſaid *A. B.* then and there not hav-

Upon the ſtatute of ſtabbing.

" ing any weapon drawn, nor he the ſaid *A. B.* then hav-
" ing firſt ſtricken the ſaid *C.D.*") And that the ſaid *C.D.* with the ſword aforeſaid, did then and there give unto him the ſaid *A. B.* in and upon the ſaid left breaſt of him the ſaid *A. B.* one mortal wound *of the breadth of one inch, and of the depth of four inches*, of which ſaid mortal wound he the ſaid *A. B.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *C. D.* him the ſaid *A. B.* in manner and by the means aforeſaid, felonioufly, *and in the fury of his mind*, did kill and ſlay, *againſt the form of the ſtatute in ſuch caſe made and provided*, and againſt the peace of our ſaid lord the king, his crown and dignity. —(*Flight — Forfeiture.*) In witneſs, *&c.* (*as before.*)

Vide 1 Hawk. Pl. Cor. 77.

The ſtatute 1 *Jac.* 1. *c.* 8. only takes away the clergy from him who *actually* ſtabs; if there be *aiders or abettors* they can only be found guilty of *ſimple manſlaughter*; in which caſe, charge them ſeparately from the principal, or jointly with the principal; the precedent is given both ways; in the firſt caſe after the cloſe of the inquiſition againſt the principal after the word *dignity*, ſay thus:

And the jurors aforeſaid, upon their oath aforeſaid, do further ſay, that *S. W.* late of the pariſh and county aforeſaid, labourer, and *G. W.* late of the ſame, labourer, at the time of the doing and committing of the felony and manſlaughter aforeſaid, felonioufly were preſent, abetting, aiding, aſſiſting, comforting, and maintaining the ſaid *C.D.* to kill and ſlay the ſaid *A. B.* in manner aforeſaid, againſt the peace of our ſaid lord the king, his crown and dignity. (*Then conclude with Flight—Forfeiture*, &c.)

For murder, and alſo upon the ſtatute of ſtabbing with a charge againſt the principal in the ſecond degree.

That *C. D.* late of the pariſh and county aforeſaid, labourer, and *E. F.* late of the ſame, labourer, not having the fear of God before their eyes, but moved and ſeduced by the inſtigation of the devil, on the twenty-firſt day of *July*, in the year aforeſaid, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, in and upon the ſaid *A. B.* in the peace of God and of our ſaid ſovereign lord the king, then and there being, felonioufly, wilfully, and of their malice forethought, did make an *aſſault*. And that the ſaid *C. D.* with a certain drawn ſword made of iron and ſteel of the value of 5 *s.* which he the ſaid *C. D.* then and there had and held in his right hand, him the ſaid *A. B.* into and *through* the body under the left breaſt of him the ſaid *A. B.* did then and there felonioufly, wilfully, and of his malice forethought, thruſt, ſtab, and penetrate; and that the ſaid *C.D.*

*C. D.* with the ſword aforeſaid, by the thruſting, ſtabbing, and penetrating aforeſaid, did then and there give unto him the ſaid *A. B.* under the left breaſt aforeſaid, one mortal wound, of which ſaid mortal wound he the ſaid *A. B.* then and there inſtantly died. And the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *E. F.* at the time of the committing of the felony and murder aforeſaid, feloniouſly, wilfully, and of his malice forethought, was preſent, abetting, aiding, aſſiſting, comforting and maintaining the ſaid *C. D.* to kill and murder the ſaid *A. B.* in manner aforeſaid. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *C. D.* and *E. F.* him the ſaid *A. B.* in manner and by the means aforeſaid, feloniouſly, wilfully, and of their malice forethought, did kill and murder againſt the peace of our ſaid lord the king, his crown and dignity. And that the ſaid *C. D.* after the doing and committing of the felony and murder aforeſaid, withdrew and fled for the ſame; and that at the time of the doing and committing thereof, or at any time ſince, they the ſaid *C. D.* and *E. F.* nor either of them, had any goods or chattels, lands or tenements, within the ſaid county or elſewhere, to the knowledge or notice of the ſaid jurors. And the jurors aforeſaid, upon their oath aforeſaid, do further ſay, that the ſaid *C. D.* and *E. F.* on the ſaid twenty-firſt day of *July*, in the year aforeſaid, at the pariſh and in the county aforeſaid, in and upon the ſaid *A. B.* in the peace of God and of our ſaid ſovereign lord the king, then and there being, *feloniouſly and in the fury of their mind*, did make an *aſſault*. And that the ſaid *C. D.* with a certain drawn ſword made of iron and ſteel of the value of 5 *s.* which he the ſaid *C. D.* then and there had and held in his right hand, him the ſaid *A. B.* into and *through* the body under the left breaſt of him the ſaid *A. B.* did then and there *feloniouſly and in the fury of his mind*, thruſt, ſtab, and penetrate (he the ſaid *A. B.* then and there *not having any weapon drawn*, nor *then having firſt ſtricken* the ſaid *C. D.*) And that the ſaid *C. D.* with the ſword aforeſaid, by the thruſting, ſtabbing, and penetrating aforeſaid, did then and there give unto him the ſaid *A. B.* under the left breaſt aforeſaid, one mortal wound, of which ſaid mortal wound, he the ſaid *A. B.* then and there inſtantly died. And that the ſaid *E. F.* at the time of the doing and committing of the felony and *manſlaughter* aforeſaid, feloniouſly and *in the fury of his mind*, was preſent, abetting, aiding, aſſiſting,

Principal in the ſecond degree.

That both committed the murder.

Flight.

No goods.

On the ſtatute of ſtabbing.

Principal in the ſecond degree.

That both killed.

aſſiſting, comforting, and maintaining the ſaid *C. D.* to kill *and ſlay* the ſaid *A. B.* in manner aforeſaid. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *C. D.* and *E. F.* him the ſaid *A. B.* in manner and by the means aforeſaid, felonioufly and *in the fury of their mind*, did kill *and ſlay* againſt the form of the ſtatute in ſuch caſe made and provided, and againſt the peace of our ſaid lord the king, his crown and dignity. And that the ſaid *C. D.* after the doing and committing of the felony *and manſlaughter* aforeſaid, withdrew and fled for the ſame; and that at the time of the doing and committing thereof, or at any time ſince, they the ſaid *C. D.* and *E. F.* nor either of them, had any goods or chattels, lands or tenements, within the ſaid county, or elſewhere, to the knowledge or notice of the ſaid jurors. In witneſs, *&c.* (*as before.*)

Flight.

No goods.

The *length and depth* of the wound in this laſt precedent is omitted, becauſe it thereby appears the thruſt or wound was *through* the body.

By ſelf-defence.

That on the firſt day of *November*, in the year aforeſaid, at the pariſh and in the county aforeſaid, the ſaid *A. B.* being in a certain common drinking room, belonging to a public houſe there ſituate, known by the name or ſign of the *Black Horſe*, in which ſaid common drinking room, one *C. D.* of the pariſh aforeſaid, in the county aforeſaid, labourer, and alſo divers other perſons, was and were then and there preſent. And that the ſaid *A. B.* without any cauſe or provocation whatſoever given by the ſaid *C. D.* did then and there menace and threaten the ſaid *C. D.* to turn him the ſaid *C. D.* out of the ſaid common drinking room, and for that purpoſe did then and there lay hold of the perſon of him the ſaid *C. D.* and on him the ſaid *C. D.* in the peace of God and of our ſaid lord the king, then and there being, violently did make an aſſault; and him the ſaid *C. D.* without any cauſe or provocation whatſoever, did then and there beat, abuſe, and evily treat. Whereupon the ſaid *C. D.* for the preſervation and ſafety of his perſon, and of inevitable neceſſity, did then and there with the hands of him the ſaid *C. D.* defend himſelf againſt ſuch the violent aſſault of him the ſaid *A. B.* as it was lawful for him to do. And the ſaid *A. B.* did then and there receive againſt the will of him the ſaid *C. D.* by the falls and blows which the ſaid *A. B.* then and there ſuſtained by his the ſaid *C. D.*'s ſo defending himſelf as aforeſaid, divers mortal bruiſes in and upon the head, back, and loins of him the ſaid

ſaid *A. B.* of which ſaid mortal bruiſes he the ſaid *A. B.* from the ſaid firſt day of *November*, in the year aforeſaid, until the ninth of the ſame month, in the ſame year, at the pariſh of *St. Mary le Bonne*, in the ſame county, to wit, in a certain hoſpital there called the *Middleſex* hoſpital, did languiſh, and lauguiſhing did live, on which ſaid ninth day of *November*, in the year aforeſaid, he the ſaid *A. B.* within the hoſpital aforeſaid, at the pariſh and in the county aforeſaid, of the mortal bruiſes aforeſaid, did die. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *C. D.* him the ſaid *A. B.* in the *defence of himſelf*, the ſaid *C. D.* in manner and by the means aforeſaid, did kill and ſlay, but what goods or chattels the ſaid *C. D.* had at the time of the doing and committing the ſaid manſlaughter in his own defence, as aforeſaid, the ſaid jurors know not. In witneſs, &c.

*Se defendendo* in defence of himſelf and property.

An inquiſition indented, taken on the behalf of our ſovereign lord the king, at the pariſh of *St. Bridget*, otherwiſe *Brides*, in the ward of *Farringdon* without, in the city of *London*, the twenty-ſixth day of *July*, in the —— year of the reign of our ſovereign lord *George* the third, by the grace of God, of *Great Britain*, *France*, and *Ireland*, king, defender of the faith, &c. before ———— eſq; coroner of our ſaid lord the king of the ſaid city, on view of the body of one *Daniel Vaughan*, then and there lying dead by the oath of, &c. [naming all the jurors] good and lawful men of the ſaid city, who being ſworn and charged to inquire for our ſaid lord the king, when, how, and by what means the ſaid *Daniel Vaughan* came to his death, do upon their oath ſay, that the ſaid *Daniel Vaughan*, and divers other perſons, to the jurors aforeſaid, as yet unknown, on the twenty-fourth day of *July* inſtant, at the pariſh of *St. Bridget*, otherwiſe *Brides* aforeſaid, in the ward aforeſaid, being riotouſly, tumultuouſly, ſeditiouſly, and unlawfully aſſembled together, in open breach of the public peace, and terror of his majeſty's good ſubjects, and having violently, tumultuouſly, and unlawfully aſſaulted and battered the dwelling houſe of *Robert Read*, of the ſaid pariſh, victualler, with ſtones, bricks, clubs, and other inſtruments, with intent to demoliſh and pull down the ſaid houſe; and having likewiſe in a riotous, tumultuous, and unlawful manner, aſſaulted the perſon of the ſaid *Robert Read*, and other perſons, then being in the ſaid houſe, with ſtones and bricks,

bricks, and thereby put both him the ſaid *Robert Read*, and the ſaid other perſons then in the ſaid houſe, in great peril and danger of their lives, and he the ſaid *Robert Read*, or ſome other perſon then in the ſaid houſe, having cauſed the proclamation, appointed by an act of parliament made in the firſt year of the reign of his late majeſty king *George* the firſt, intituled, "An act for preventing "tumults and riotous aſſemblies, &c." to be read to them. And that the ſaid *Daniel Vaughan*, and the other perſons unknown, ſo tumultuouſly, riotouſly, ſeditiouſly, and unlawfully, then and there aſſembled and gathered together, not diſperſing themſelves according to the tenor of the ſaid proclamation, but riotouſly, tumultuouſly, ſeditiouſly, and unlawfully, continuing together in contempt of the ſaid law, and likewiſe continuing to aſſault the ſaid houſe with ſtones, bricks, clubs, and other inſtruments, he the ſaid *Robert Read*, *in defence of himſelf*, and for the preſervation of his own life, and of the lives of the ſaid ſeveral other perſons, then and there being in the houſe, and alſo for preventing the deſtruction of his houſe and loſs of his goods and chattels, a certain gun called a *blunderbuſs*, of the value of 5 *s.* charged with gunpowder, and ſeveral leaden bullets, at, to, and againſt, the ſaid *Daniel Vaughan*, and the ſaid other perſons unknown, ſo riotouſly, tumultuouſly, ſeditiouſly, and unlawfully, then and there aſſembled together, did diſcharge and ſhoot off. And that it ſo happened that one of the ſaid bullets ſo ſhot out of the ſaid blunderbuſs by him the ſaid *Robert Read* as aforeſaid, did give unto him the ſaid *Daniel Vaughan*, one mortal wound, in and upon the left ſide of his body, near the left pap, of the length of one inch and depth of ſix inches, of which ſaid mortal wound, he the ſaid *Daniel Vaughan*, then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *Robert Read*, *in the defence of himſelf and property*, him the ſaid *Daniel Vaughan*, in manner and by the means aforeſaid, did kill. In witneſs, &c.

Juſtifiable againſt a ſtreet robber.

That the ſaid *T. B.* with a certain other man to the jurors aforeſaid, at preſent unknown, on the fifth day of *October*, in the year aforeſaid, with force and arms, at the pariſh of *St. George*, *Hanover Square*, in the county aforeſaid, in and upon *R. B.* eſq; in a certain ſedan chair, and in the king's highway, then and there being, feloniouſly did make an aſſault; and him the ſaid *R. B.* in bodily fear and danger of his life, did then and there put, and a gold watch and ſome ſilver monies of the goods, chattels,

chattels, and monies of him the ſaid *R. B.* from the perſon and againſt the will of the ſaid *R. B.* in the king's highway aforeſaid, then and there feloniouſly did ſteal, take, and carry away, againſt the peace of our ſaid lord the king, his crown and dignity. And the jurors aforeſaid, upon their oath aforeſaid, do ſay, that after the ſaid *T. B.* and the ſaid man unknown, had done and committed the felony and robbery aforeſaid, they the ſaid *T. B.* and man unknown, did then and there endeavour to fly and eſcape for the ſame; whereupon the ſaid *R. B.* together with *E. H.* and *R. H.* (the two chairmen who plied with the ſaid ſedan chair, and at the time of the committing the felony and robbery aforeſaid, were then and there holding the ſaid chair, and forcibly and unlawfully compelled to ſtand therewith during the committing the ſame felony and robbery) and alſo with a certain watchman to the ſaid jurors unknown, called in and taken to their aſſiſtance, did then and there purſue and endeavour to take and apprehend the ſaid *T. B.* and man unknown, for the doing and committing of the ſaid felony and robbery. And that the ſaid *T. B.* in ſuch purſuit was overtaken by them, to wit, at the pariſh and in the county aforeſaid, and they the ſaid *R. B.*, *E. H.*, *R. H.* and the ſaid watchman unknown, did then and there lawfully and peaceably endeavour to take and apprehend the ſaid *T. B.* who was then and there peaceably required to ſurrender himſelf, in order to be brought to juſtice for the ſame felony and robbery; but the ſaid *T. B.* to prevent his being taken and apprehended, did then and there, with a piſtol loaded with gunpowder and a leaden bullet, which he the ſaid *T. B.* then and there had and held in his right hand, menace and threaten to ſhoot the firſt man that ſhould attempt to ſeize him the ſaid *T. B.* and the ſaid *T. B.* did then and there refuſe to ſurrender himſelf, and did obſtinately and unlawfully ſtand upon his defence, in open defiance of the laws of this realm. And that upon ſuch endeavour to take and apprehend the ſaid *T. B.* he the ſaid *T. B.* did then and there diſcharge and ſhoot off the ſaid piſtol ſo loaded with gunpowder, and a leaden bullet as aforeſaid, at and againſt him the ſaid watchman. And that on the ſaid *T. B.*'s continuing obſtinately and unlawfully to reſiſt, and alſo refuſing to ſurrender himſelf for public juſtice; they the ſaid *R. B.*, *E. H.*, and *R. H.*, in order to take and apprehend the ſaid *T. B.* to be brought to juſtice for the ſaid felony and robbery, and in order to oblige the ſaid *T. B.* to ſurrender himſelf

himſelf for the purpoſes aforeſaid, did then and there *juſtifiably and of inevitable neceſſity*, attack and aſſault the ſaid *T. B.*, by reaſon whereof the ſaid *T. B.* did then and there receive, in ſuch his obſtinate and unlawful defence, and before he could be taken and apprehended, divers mortal wounds and bruiſes, in and upon his head, breaſt, belly, and left arm, of which ſaid mortal wounds and bruiſes, he the ſaid *T. B.* at the pariſh aforeſaid, in the county aforeſaid, did languiſh, and languiſhing did live. And that after the ſaid *T. B.* was ſo wounded and bruiſed as aforeſaid, he the ſaid *T. B.* was then and there taken and apprehended, and on the day and year laſt mentioned, was lawfully committed to the priſon aforeſaid, at the ſaid pariſh of *St. James, Clerkenwell*, in the county aforeſaid, and of ſuch mortal wounds and bruiſes, did then and there alſo languiſh, and languiſhing did live, on which ſaid fifth day of *October*, in the year aforeſaid, within the priſon aforeſaid, in the pariſh and county laſt mentioned, he the ſaid *T. B.* of the mortal wounds and bruiſes aforeſaid, did die. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *R. B.*, *E. H.*, and *R. H.* him the ſaid *T. B.* in manner and by the means aforeſaid, in the purſuit of juſtice, of *inevitable neceſſity and juſtifiably* did kill and ſlay. In witneſs, &c.

Chance-medley by ſhooting.

That *C. D.* late of the pariſh aforeſaid, in the county aforeſaid, labourer, on the tenth day of *October*, in the year aforeſaid, at the pariſh and in the county aforeſaid, a certain gun of the value of 10*s.* then and there charged with gunpowder and a leaden bullet, which he the ſaid *C. D.* then and there had and held in both his hands, then and there caſually and by misfortune, and againſt the will of him the ſaid *C. D.* was diſcharged and ſhot off. And that the ſaid *C. D.* with the leaden bullet aforeſaid, then and there diſcharged and ſhot out of the ſaid gun, by the force of the gunpowder aforeſaid, him the ſaid *A. B.* in and upon the left breaſt of him the ſaid *A. B.* caſually, by misfortune, and againſt the will of him the ſaid *C. D.* did then and there ſtrike and penetrate, giving unto him the ſaid *A. B.* then and there, with the bullet aforeſaid, out of the gun aforeſaid, ſo as aforeſaid, ſhot off and diſcharged by the force of the ſaid gunpowder, in and upon the ſaid left breaſt of him the ſaid *A. B.* one mortal wound of the breadth of one inch, and of the depth of three inches, of which ſaid mortal wound he the ſaid *A. B.* then and there inſtantly died. And ſo the jurors

jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *C. D.* him the ſaid *A. B.* in manner and by the means aforeſaid, *caſually and by misfortune, and againſt the will* of him the ſaid *C. D.* did kill and ſlay; but what goods or chattels the ſaid *C. D.* had at the time of the killing and ſlaying by misfortune as aforeſaid, the ſaid jurors know not. In witneſs, &c.

By a knife.

That the ſaid *A. B.* and one *T. T.* on the twenty-fifth day of *January*, in the year aforeſaid, being infants under the age of twelve years, and foremaſt lads on board his majeſty's ſtore ſhip the *Broderick*, then lying at her moorings in the river *Thames*, to wit, at *Woolwich*, in the county of *Kent*, and then and there being, in the peace of God and of our ſaid ſovereign lord the king, and in friendſhip, and wantonly and in play ſtruggling together, and then and there both falling to the ground, it ſo happened that caſually and by misfortune, and againſt the will of him the ſaid *T. T.* he the ſaid *A. B.* then and there fell upon the point of a certain open claſp knife of no value, which he the ſaid *T. T.* then and there had and held in his right hand, by means of which ſaid falling he the ſaid *A. B.* did then and there caſually, by misfortune, and againſt the will of him the ſaid *T. T.* receive one mortal wound, in and upon the right breaſt of him the ſaid *A. B.* of the breadth of one inch, and depth of three inches, of which ſaid mortal wound he the ſaid *A. B.* from the ſaid twenty-fifth day of *January*, in the year aforeſaid, until the fourth day of *February*, in the ſame year, at *Woolwich* aforeſaid, in the county of *Kent* aforeſaid, and alſo at the ſaid pariſh of *St. Mary, Whitechapel*, in the ſaid county of *Middleſex*, to wit, in the *London* hoſpital there, did languiſh, and languiſhing did live, on which ſaid fourth day of *February*, in the year aforeſaid, he the ſaid *A. B.* at the hoſpital aforeſaid, in the pariſh and county aforeſaid, of the mortal wound aforeſaid, did die. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* in manner and by the means aforeſaid, *caſually and by misfortune, and againſt the will* of him the ſaid *T. T.* did come to his death, and not otherwiſe. In witneſs, &c.

*By Lunacy.*

Shooting by one in a deliuium.

That the ſaid *A. B.* "*labouring under a grievous* "*diſeaſe of body, to wit, a fever, and by reaſon of the* "*violence of the ſaid diſeaſe, being delirious and out of* "*his mind*," on the twentieth day of *September*, in the year aforeſaid, at the pariſh and in the county aforeſaid,

a cer-

a certain piſtol, charged with gunpowder and a leaden bullet, which he the ſaid *A. B.* then and there had and held in his right hand, to and againſt the head of him the ſaid *A. B.* "*ſo delirious and out of his mind as aforeſaid,*" did then and there ſhoot off and diſcharge, by means whereof he the ſaid *A. B.* did then and there give unto himſelf, "*ſo delirious and out of his mind as aforeſaid,*" with the leaden bullet aforeſaid, ſo diſcharged and ſhot out of the piſtol aforeſaid, by the force of the gunpowder aforeſaid, in and upon the head of him the ſaid *A. B.* one mortal wound of the breadth of one inch, and depth of four inches, of which ſaid mortal wound he the ſaid *A. B.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* "*being delirious and out of his mind as aforeſaid, by reaſon* "*of the fever aforeſaid,*" in manner and by the means aforeſaid, did kill himſelf. In witneſs, &c.

If the death be occaſioned by any *diſtraction* of the mind and not by *diſeaſe* of body, inſtead of the words above comma'd and printed in *Italicks*, you ſay, "not "being of ſound mind, memory, and underſtanding, "but lunatic and diſtracted;" and this difference it is neceſſary to remember.

Throwing out of a window.

——— That the ſaid *A. B. not being of ſound mind, memory, and underſtanding, but lunatic and diſtracted,* on the twenty-fifth day of *February*, in the year aforeſaid, from and out of a certain one pair of ſtairs window, then and there being in the chamber or apartment of him the ſaid *A. B.* in the dwelling houſe of *C. D.* ſituate in *Ruſſel Street*, in the pariſh and county aforeſaid, did violently caſt and throw himſelf to the ground, to and againſt the ſtone-pavement of the yard, belonging to the ſaid dwelling-houſe, by means of which ſaid caſting and throwing, he the ſaid *A. B.* did then and there receive one mortal wound on the upper part of the head of him the ſaid *A. B.* of which ſaid mortal wound he the ſaid *A. B.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* in manner and by the means aforeſaid, *not being of ſound mind, memory, and underſtanding, but lunatic and diſtracted,* did kill himſelf. In witneſs, &c.

Lunatic ſhooting himſelf.

That the ſaid *A. B.* "not being of ſound mind, "memory, and underſtanding, but lunatic and "diſtracted,"

"diſtracted," on the twentieth day of *September*, in the year aforeſaid, at the pariſh and in the county aforeſaid, a certain piſtol charged with gunpowder, and a leaden bullet, which he the ſaid *A. B.* then and there had and held in his right hand, to and againſt the head of him the ſaid *A. B.* did then and there ſhoot off and diſcharge, by means whereof he the ſaid *A. B.* did then and there give unto himſelf, with the leaden bullet aforeſaid, ſo diſcharged and ſhot out of the piſtol aforeſaid, by the force of the gunpowder aforeſaid, in and upon the head of him the ſaid *A. B.* one mortal wound of the breadth of one inch, and of the depth of three inches, of which ſaid mortal wound he the ſaid *A. B.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* "not being of ſound mind, "memory, and underſtanding, but lunatic and diſtract-"ed," in manner and by the means aforeſaid, did kill himſelf. In witneſs, *&c.*

That the ſaid *A. B. labouring under a grievous diſeaſe of body, to wit, the ſtone in the bladder, and by reaſon of the violence of the ſaid diſeaſe being delirious, and out of his mind*, on the eleventh day of *Auguſt*, in the year aforeſaid, at the pariſh and in the county aforeſaid, in the dwelling houſe of *C. D.* there ſituate, with a certain razor made of iron and ſteel, which he the ſaid *A. B.* then and there had and held in his right hand, the throat or gullet of him the ſaid *A. B.* did then and there ſtrike, ſtab, and penetrate, thereby, then and there, giving unto himſelf the ſaid *A. B.* ſo being delirious and out of his mind as aforeſaid, with the razor aforeſaid, in and upon the throat or gullet of him the ſaid *A. B.* one mortal wound of the length of three inches, and of the depth of one inch, of which ſaid mortal wound, he the ſaid *A. B.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* by reaſon of the diſeaſe aforeſaid, being delirious, and out of his mind as aforeſaid, in manner and by the means aforeſaid, did kill himſelf. In witneſs, *&c.* By cutting his throat in a delirium.

That the ſaid *A. B.* not being of ſound mind, memory, and underſtanding, but lunatic and diſtracted, on the fifth day of *July*, in the year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, one end of a certain piece of ſmall cord unto an iron ſtaple faſtened into the wainſcot, in the lodging room or apartment of him the ſaid *A. B.* in the dwelling-houſe of *C. D.* ſituate and being in the ſaid pariſh and county, and the Hanging by a lunatic.

a certain piſtol, charged with gunpowder and a leaden bullet, which he the ſaid *A. B.* then and there had and held in his right hand, to and againſt the head of him the ſaid *A. B.* "*ſo delirious and out of his mind as aforeſaid*," did then and there ſhoot off and diſcharge, by means whereof he the ſaid *A. B.* did then and there give unto himſelf, "*ſo delirious and out of his mind as aforeſaid*," with the leaden bullet aforeſaid, ſo diſcharged and ſhot out of the piſtol aforeſaid, by the force of the gunpowder aforeſaid, in and upon the head of him the ſaid *A. B.* one mortal wound of the breadth of one inch, and depth of four inches, of which ſaid mortal wound he the ſaid *A. B.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* "*being delirious and out of his mind as aforeſaid, by reaſon* "*of the fever aforeſaid*," in manner and by the means aforeſaid, did kill himſelf. In witneſs, &c.

If the death be occaſioned by any *diſtraction* of the mind and not by *diſeaſe* of body, inſtead of the words above comma'd and printed in *Italicks*, you ſay, "not "being of ſound mind, memory, and underſtanding, "but lunatic and diſtracted;" and this difference it is neceſſary to remember.

Throwing out of a window.

—— That the ſaid *A. B. not being of ſound mind, memory, and underſtanding, but lunatic and diſtracted*, on the twenty-fifth day of *February*, in the year aforeſaid, from and out of a certain one pair of ſtairs window, then and there being in the chamber or apartment of him the ſaid *A. B.* in the dwelling houſe of *C. D.* ſituate in *Ruſſel Street*, in the pariſh and county aforeſaid, did violently caſt and throw himſelf to the ground, to and againſt the ſtone-pavement of the yard, belonging to the ſaid dwelling-houſe, by means of which ſaid caſting and throwing, he the ſaid *A. B.* did then and there receive one mortal wound on the upper part of the head of him the ſaid *A. B.* of which ſaid mortal wound he the ſaid *A. B.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* in manner and by the means aforeſaid, *not being of ſound mind, memory, and underſtanding, but lunatic and diſtracted*, did kill himſelf. In witneſs, &c.

Lunatic ſhooting himſelf.

That the ſaid *A. B.* "not being of ſound mind, "memory, and underſtanding, but lunatic and "diſtracted,"

"diſtracted," on the twentieth day of *September*, in the year aforeſaid, at the pariſh and in the county aforeſaid, a certain piſtol charged with gunpowder, and a leaden bullet, which he the ſaid *A. B.* then and there had and held in his right hand, to and againſt the head of him the ſaid *A. B.* did then and there ſhoot off and diſcharge, by means whereof he the ſaid *A. B.* did then and there give unto himſelf, with the leaden bullet aforeſaid, ſo diſcharged and ſhot out of the piſtol aforeſaid, by the force of the gunpowder aforeſaid, in and upon the head of him the ſaid *A. B.* one mortal wound of the breadth of one inch, and of the depth of three inches, of which ſaid mortal wound he the ſaid *A. B.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* "not being of ſound mind, "memory, and underſtanding, but lunatic and diſtract-"ed," in manner and by the means aforeſaid, did kill himſelf. In witneſs, *&c.*

That the ſaid *A. B. labouring under a grievous diſeaſe of body, to wit, the ſtone in the bladder, and by reaſon of the violence of the ſaid diſeaſe being delirious, and out of his mind*, on the eleventh day of *Auguſt*, in the year aforeſaid, at the pariſh and in the county aforeſaid, in the dwelling houſe of *C. D.* there ſituate, with a certain razor made of iron and ſteel, which he the ſaid *A. B.* then and there had and held in his right hand, the throat or gullet of him the ſaid *A. B.* did then and there ſtrike, ſtab, and penetrate, thereby, then and there, giving unto himſelf the ſaid *A. B.* ſo being delirious and out of his mind as aforeſaid, with the razor aforeſaid, in and upon the throat or gullet of him the ſaid *A. B.* one mortal wound of the length of three inches, and of the depth of one inch, of which ſaid mortal wound, he the ſaid *A. B.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* by reaſon of the diſeaſe aforeſaid, being delirious, and out of his mind as aforeſaid, in manner and by the means aforeſaid, did kill himſelf. In witneſs, *&c.* By cutting his throat in a delirium.

That the ſaid *A. B.* not being of ſound mind, memory, and underſtanding, but lunatic and diſtracted, on the fifth day of *July*, in the year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, one end of a certain piece of ſmall cord unto an iron ſtaple faſtened into the wainſcot, in the lodging room or apartment of him the ſaid *A. B.* in the dwelling-houſe of *C. D.* ſituate and being in the ſaid pariſh and county, and the Hanging by a lunatic.

other end thereof about his own neck, did fix, tye, and faſten, and therewith did then and there hang, ſuffocate, and ſtrangle himſelf, of which ſaid hanging, ſuffocation, and ſtrangling, he the ſaid *A. B.* then and there died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* not being of ſound mind, memory, and underſtanding, but lunatic and diſtracted, in manner and by the means aforeſaid, did kill himſelf. In witneſs, *&c.*

Falling upon his ſword.

That the ſaid *A. B.* not being of ſound mind, memory, and underſtanding, but lunatic and diſtracted, on the tenth day of *December*, in the year aforeſaid, at the pariſh and in the county aforeſaid, on the drawn ſword of him the ſaid *A. B.* in the ſtudy of him the ſaid *A. B.* in his own dwelling-houſe there ſituate, did caſt and throw himſelf; by means whereof he the ſaid *A. B.* not being of ſound mind, memory, and underſtanding, but lunatic and diſtracted, did then and there give unto himſelf, by the ſword aforeſaid, in and upon the belly of him the ſaid *A. B.* near the navel, one mortal wound of the breadth of one inch, and of the depth of ſix inches, of which ſaid mortal wound he the ſaid *A. B.* then and there inſtantly died. And ſo the jurors aforeſaid, &c. *as before.* In witneſs, *&c.*

*Accidents, Caſualties,* &c. *as well on* Land *as by* Water.

By a cart.

That *W. C.* late of the pariſh aforeſaid, in the county aforeſaid, carman, on the tenth day of *September*, in the year aforeſaid, at the pariſh and in the county aforeſaid, in certain public ſtreet or highway there, called the king's highway, being *negligently* driving a certain cart drawn by three horſes, and loaded with twelve ſacks of coals, it ſo happened that the ſaid *A. B.* being in the ſtreet and highway aforeſaid, was then and there accidentally, caſually, and by misfortune, forced to the ground by the foremoſt horſe of the ſaid three horſes ſo drawing the ſaid cart, and the ſaid cart ſo loaded as aforeſaid, was then and there by the ſaid horſes violently and forcibly drawn to and againſt the ſaid *A. B.* and the off wheel of the ſaid cart ſo drawn and loaded as aforeſaid, did then and there accidentally, caſually, and by misfortune, violently go upon and paſs over the breaſt and body of the ſaid *A. B.* by means whereof ſhe the ſaid *A. B.* from the weight and preſſure of the ſaid cart ſo loaded and drawn as aforeſaid, did

did then and there receive one mortal bruiſe, in and upon her ſaid breaſt and body, of which ſaid mortal bruiſe ſhe the ſaid *A. B.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* in manner and by the means aforeſaid, accidentally, caſually, and by misfortune, came to her death, and not otherwiſe. And that the ſaid cart, horſes, and loading, were the cauſe of the death of the ſaid *A. B.* and that the ſaid *coals* are of the *value of* 30 *s.* the ſaid cart of the value of 3 *l.* and the ſaid three *horſes of the price* of 5 *l.* amounting in the whole to the ſum of 9 *l.* 10 *s.* of lawful money of *Great Britain*, and are the property and in the poſſeſſion of *D. E.* of the pariſh and county aforeſaid, coal merchant, or of his aſſigns. In witneſs whereof, *&c.*

That the ſaid *A. B.* on the twenty-fourth day of *June* in the year aforeſaid, at the hamlet of *Old Brentford*, in the pariſh and county aforeſaid, being carefully driving a certain empty cart, drawn by one horſe in a private road leading into a certain field called or known by the name of *Evans*'s field, there ſituate, *it ſo happened* that the ſaid *A. B.* then and there accidentally, caſually, and by misfortune, ſlipt in his feet, and fell to the ground acroſs the cart-rut, then and there being in the ſaid private road, near unto the near wheel of the ſaid cart; by reaſon whereof the ſaid near wheel of the ſaid cart did then and there go upon and paſs over the body and breaſt of him the ſaid *A. B.*, by means whereof he the ſaid *A. B.* did then and there accidentally, caſually, and by misfortune, receive one mortal bruiſe on his ſaid breaſt, of which ſaid mortal bruiſe he the ſaid *A. B.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* in manner and by the means aforeſaid, accidentally, caſually, and by misfortune came to his death, and not otherwiſe. And that the ſaid near wheel of the ſaid cart ſo drawn as aforeſaid, was moving to the death of the ſaid *A. B.* and is of the value of 10 *s.* and the property and in the poſſeſſion of *C. D.* of the pariſh and county aforeſaid, yeoman, or of his aſſigns. In witneſs, *&c.* By a cart wheel.

That the ſaid *A. B.* on the nineteenth day of *April*, in the year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, being at work in a certain yard belonging to a houſe ſituate in *Great Ormond Street* there, at the height of one ſtory from the area of a cellar thereto belonging; and the ſaid *A. B.* then and there ſtepping upon a ſtone, Falling into an area.

then and there hanging over the brickwork, *it ſo happened* that the ſaid ſtone of no value accidentally, caſually, and by misfortune, gave way and fell to the ground, by reaſon whereof he the ſaid *A. B.* did then and there accidentally, caſually, and by misfortune, fall from the ſaid yard upon the ſtone-pavement of the ſaid area, and by means thereof did then and there receive, by the fall aforeſaid, one mortal bruiſe and contuſion on the crown of his head, of which ſaid mortal bruiſe and contuſion he the ſaid *A. B.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* in manner and by the means aforeſaid, accidentally, caſually, and by misfortune came to his death, and not otherwiſe. In witneſs, *&c.*

Drowning by falling into a fit.

That the ſaid *A. B.* on the twenty-ſixth day of *April*, in the year aforeſaid, being an in-patient in a certain hoſpital called the *London* infirmary, ſituate in the pariſh and county aforeſaid, and under cure there for falling fits, under which he the ſaid *A. B.* then and there laboured and languiſhed. And the ſaid *A. B.* by the advice and directions of the phyſicians to the ſaid infirmary, being to dip and waſh himſelf in the bath then and there belonging to the ſaid infirmary *it ſo happened* that the ſaid *A. B.* after ſuch dipping and waſhing of himſelf as aforeſaid, and as he was then and there wiping himſelf dry near the ſide of the ſaid bath, he the ſaid *A. B.* was then and there ſuddenly ſeiſed with a violent falling fit, and by reaſon thereof then and there accidentally, caſually, and by misfortune, fell into the ſaid bath, and in the waters thereof was then and there ſuffocated and drowned, of which ſaid ſuffocation and drowning he the ſaid *A. B.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* in manner and by the means aforeſaid, accidentally, caſually, and by misfortune, came to his death, and not otherwiſe. In witneſs, *&c.*

By the overturning of a chaiſe.

That the ſaid *A. B.* on the fourteenth day of *April*, in the year aforeſaid, at the pariſh of *St. Margaret*, in the city and liberty of *Weſtminſter*, in the ſaid county of *Middleſex*, being in a certain chaiſe there, driving a certain bay-gelding, then and there drawing the ſame, *it ſo happened* that the ſaid *A. B.* was then and there caſually, accidentally, and by misfortune, overturned and violently thrown out of the ſaid chaiſe to and againſt the ground, and by means thereof did then and there receive a mortal fracture, in and upon the hinder part of the head of him

the

the ſaid *A. B.* of which ſaid mortal fracture he the ſaid *A. B.* from the ſaid fourteenth day of *April*, in the year aforeſaid, until the fifth of *May*, in the ſame year, at the pariſh and county laſt mentioned, and alſo at the pariſh of *St. George, Hanover Square*, in the ſame county, to wit, in a certain hoſpital there, called *St. George's* hoſpital, did languiſh, and languiſhing did live; on which ſaid fifth day of *May*, in the year aforeſaid, in the hoſpital aforeſaid, in the ſaid pariſh laſt mentioned, and county aforeſaid, he the ſaid *A. B.* of the mortal fracture aforeſaid, did die. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* in manner and by the means aforeſaid, accidentally, caſually, and by misfortune, came to his death, and not otherwiſe. And that the ſaid chaiſe and horſe were moving to the death of the ſaid *A. B.* and that the ſaid chaiſe is of the value of 5 *l.* and the ſaid bay gelding of the price of 10 *l.* and remain in the cuſtody of *C. D.* of the pariſh firſt mentioned, in the county aforeſaid, the executor of the laſt will and teſtament of the ſaid *A. B.* whoſe property they were. In witneſs, *&c.*

That on the twelfth day of *May*, in the year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, the warehouſe of *C. D.* ſituate in the ſame pariſh and county, caſually took fire, and the ſaid *A. B.* being then and there preſent, and aiding and aſſiſting to extinguiſh the ſaid fire, *it ſo happened* that a piece of timber by the force and violence of the ſaid fire, then and there accidentally, caſually, and by misfortune, fell from the top of the ſaid warehouſe, in and upon the head of him the ſaid *A. B.* by reaſon whereof he the ſaid *A. B.* then and there received a mortal fracture on the head of him the ſaid *A. B.* of which ſaid mortal fracture he the ſaid *A. B.* from the ſaid twelfth day of *May*, in the year aforeſaid, until the thirteenth day of the ſame month, in the ſame year, there and alſo at a certain hoſpital, ſituate in the pariſh aforeſaid, in the county aforeſaid, called the *London* infirmary, did languiſh, and languiſhing did live; on which ſaid thirteenth day of *May*, in the year aforeſaid, at the hoſpital aforeſaid, in the pariſh and and county aforeſaid, he the ſaid *A. B.* of the mortal fracture aforeſaid did die. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* in manner and by the means aforeſaid, accidentally, caſually, and by misfortune, came to his death, and not otherwiſe; and that the ſaid piece of timber was the occaſion of the death of the ſaid *A. B.* and is of the value of 12 *d.* and the

By a ſee.

property and in the poſſeſſion of the ſaid *C. D.* or of his aſſigns. In witneſs, *&c.*

Drowned by bathing.

That the ſaid *A. B.* on the tenth day of *Auguſt*, in the year aforeſaid, at the pariſh and in the county aforeſaid, to wit, at *Shadwell Dock*, going into the river *Thames*, there to bathe himſelf; *it ſo happened* that accidentally, caſually, and by misfortune, he the ſaid *A. B.* was in the waters of the ſaid river then and there ſuffocated and drowned; of which ſaid ſuffocation and drowning he the ſaid *A. B.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* in manner and by the means aforeſaid, accidentally, caſually, and by misfortune, came to his death, and not otherwiſe. In witneſs, *&c.*

By being burnt.

That the ſaid *A. B.* being of the age of ninety years, and weak and infirm in body, on the fifteenth day of *April*, in the year aforeſaid, being alone in her room or apartment, in a certain alms-houſe, ſituate in the pariſh and county aforeſaid, it ſo happened, that ſhe the ſaid *A. B.* as ſhe was then and there ſitting by her fire-ſide drying of a linen apron, the woollen petticoat of her the ſaid *A. B.* which ſhe the ſaid *A. B.* then and there had on her body, accidentally, caſually, and by misfortune, took fire, by reaſon whereof, and from the ſmoke and flame ariſing from the ſaid fire, ſhe the ſaid *A. B.* was then and there ſuffocated and burnt, of which ſaid ſuffocation and burning ſhe the ſaid *A. B.* then and there died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* in manner and by the means aforeſaid, accidentally, caſually, and by misfortune, came to her death, and not otherwiſe. In witneſs, *&c.*

By a difficult birth and hard labour.

That the ſaid *A. B.* on the ſixteenth day of *December*, in the year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, being big with a certain female child, afterwards, to wit, on the ſame day and year at the pariſh and county aforeſaid, after a violent and lingering pain and hard labour, with great difficulty did bring forth the ſaid female child alive. And the ſaid *A. B.* from the ſaid ſixteenth day of *December*, in the year aforeſaid, until the nineteenth day of the ſame month, in the ſame year, at the pariſh and in the county aforeſaid, of the weakneſs and diſorder occaſioned by ſuch violent and lingering pain, difficult birth and hard labour aforeſaid, did languiſh, and languiſhing did live; on which ſaid nineteenth day of *December*, in the year aforeſaid, at the pariſh and in the county aforeſaid, ſhe the ſaid *A. B.* of the weakneſs and diſorder

diſorder aforeſaid, occaſioned by the hard labour and difficult birth aforeſaid, did die. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* in manner and by the means aforeſaid, came to her death, and not otherwiſe. In witneſs, *&c.*

Natural death.

That the ſaid *A. B.* on the twenty-ninth day of *September*, in the year aforeſaid, and for a long time before, at the pariſh and in the county aforeſaid, did labour and languiſh under a grievous diſeaſe of body, to wit, an aſthma; and that on the ſaid twenty-ninth day of *September*, in the year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, ſhe the ſaid *A. B.* departed this life by the viſitation of God, in a natural way, to wit, of the diſeaſe and diſtemper, aforeſaid, and not by any hurt or injury received from the ſaid *C. B.* her huſband, or any other perſon, to the knowledge of the ſaid jurors. In witneſs, *&c.*

Another found dead.

That the ſaid *A. B.* on the thirteenth day of *September*, in the year aforeſaid, at the pariſh and in the county aforeſaid, to wit, in a certain brickfield there called *Thompſon's* brickfield, was found dead. That he the ſaid *A. B.* for ſometime before had been very ailing and infirm, and not able to work; that he had no marks of violence appearing on his body, and departed this life by the viſitation of God in a natural way, to wit, of his ſaid ailment and infirmity, and not by any violent means whatſoever, to the knowledge of the ſaid jurors. In witneſs, *&c.*

Found dead.

*(As before.)* That the ſaid man unknown, on the fifth day of *February*, in the year aforeſaid, at the pariſh and in the county aforeſaid, to wit, in a certain wood, there called *Robert's* wood, was found dead. That the ſaid man unknown had no marks of violence appearing on his body; but how or by what means he came to his death, no evidence thereof doth appear to the ſaid jurors. In witneſs, *&c.*

Smothered by the fall of an old houſe.

That the ſaid *A. B.* on the ſeventh day of *December*, in the year aforeſaid, being in an old uninhabited houſe, ſituate in *Phœnix-ſtreet*, in the pariſh and county aforeſaid, unlawfully taking away of the timber there, it ſo happened that the ſaid houſe then and there ſunk and fell in, by reaſon whereof ſhe the ſaid *A. B.* accidently, caſually, and by misfortune, was under the ruins and materials thereof then and there ſuffocated and ſmothered, of which ſaid ſuffocation and ſmothering ſhe the ſaid *A. B.* then and there inſtantly died. And ſo the

jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* in manner and by means aforeſaid, accidentally, caſually, and by misfortune, came to her death, and not otherwiſe. And that the materials of the ſaid houſe are of the value of 20*s.* and the property and in the poſſeſſion of *C. D.* of the pariſh and county aforeſaid, gent. or of his aſſigns. In witneſs, &c.

By exceſſive drinking.

That the ſaid *A. B.* on the third day of *July*, in the year aforeſaid, at the pariſh and in the county aforeſaid, *departed this life* by exceſſive drinking, and not from any hurt, injury, or violence, done or committed by the ſaid *C. D.* or any other perſon whatſoever, to the knowledge of the ſaid jurors. In witneſs, &c.

Starved.

That the ſaid man unknown, on the ninth day of *November*, in the year aforeſaid, was found dead in a ditch, in a certain lane, ſituate in the ſaid pariſh and county, commonly called *Bow-lane*, that the ſaid man unknown had no marks of violence appearing on his body, but died through want and the inclemency of the weather, and by no violent ways or means whatſoever, to the knowledge of the ſaid jurors, In witneſs, *&c.*

Death in priſon.

That the ſaid *A. B.* being a priſoner in *New Priſon* aforeſaid, in the pariſh and county aforeſaid, on the twentieth day of *April*, in the year aforeſaid, at *New Priſon* aforeſaid, departed this life by the viſitation of God, in a natural way, to wit, of a fever, and not otherwiſe. In witneſs, *&c.*

Found drowned.

That the ſaid man unknown, on the tenth day of *January*, in the year aforeſaid, was found drowned and ſuffocated in the river *Thames*, to wit, at *Wapping Old Stairs*, in the pariſh and county aforeſaid, that the ſaid man unknown had no marks of violence appearing on his body, but how or by what means he became drowned and ſuffocated, no evidence thereof doth appear to the jurors, In witneſs, *&c.*

Falling out of a boat and drowned.

That the ſaid *A. B.* on the twenty-third day of *March*, in the year aforeſaid, being in a certain boat belonging to a certain merchant ſhip, called the *Suſannah*, then lying at her moorings in the river *Thames*, in the precinct and county aforeſaid, in order to go on ſhore; and then and there endeavouring with a certain hook, commonly called a *ſhip's* hook, to force the ſaid boat from the ſide of the ſhip, *it ſo happened*, that the ſaid hook then and there ſlipt aſide, by reaſon whereof he the ſaid *A. B.* then and there accidentally, caſually, and by misfortune,

misfortune, fell out of the ſaid boat into the river *Thames*, and in the waters thereof was then and there ſuffocated and drowned; of which ſaid ſuffocation and drowning he the ſaid *A. B.* then and there died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* in manner and by the means aforeſaid, accidentally, caſually, and by misfortune, came to his death, and not otherwiſe; and that the ſaid ſhip's hook and boat did occaſion the death of the ſaid *A. B.* and are of the value of 10*s.* and the property and in the poſſeſſion of *C. D.* maſter of the ſaid ſhip the *Suſannah*, or of his aſſigns. In witneſs, *&c.*

Drowned by the overturning of a boat.

That the ſaid *A. B.* on the twenty-firſt day of *Auguſt*, in the year aforeſaid, being ordered by the ſaid *C. D.* his ſaid maſter, to faſten his ſaid maſter's boat to her moorings or road in the river *Thames*, in the pariſh and county aforeſaid, inſtead thereof did then and there pin the ſame to a pile under one of the arches of *Fulham* bridge, in the pariſh and county aforeſaid, and in the ſaid boat he the ſaid *A. B.* then and there laid himſelf down to ſleep; *and ſo it happened*, that by the flowing in of the tide, the ſaid boat (he the ſaid *A. B.* then and there being aſleep in the ſame) was then and there forced athwart the ſaid arch, or pinned down and overſet, and turned keel upwards, by means whereof he the ſaid *A. B.* was then and there accidentally, caſually, and by misfortune, thrown out of the ſaid boat into the ſaid river *Thames*, and in the waters thereof was then and there ſuffocated and drowned, of which ſaid ſuffocation and drowning he the ſaid *A. B.* then and there inſtantly died. And ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid *A. B.* in manner and by the means aforeſaid, accidentally, caſually, and by misfortune, came to his death, and not otherwiſe. And that the ſaid boat was the cauſe of the death of the ſaid *A. B.* and is of the value of 20*s.* and the property and in the poſſeſſion of the ſaid *C. D.* the ſaid maſter of the ſaid *A. B.* or of his aſſigns. In witneſs, *&c.*

*To the Miniſter and Churchwardens of the Pariſh of* Fulham *in the County of* Middleſex, *and to all others whom theſe may concern.*

*Middleſex*, to wit. } WHEREAS I, with my inqueſt, the day and year hereunder-written, have taken a view of

Warrant to bury after the view.

of the body of *John Denn* (who (*a*) not being of ſound mind, memory, and underſtanding, but lunatic and diſtracted, ſhot himſelf,) who now lies dead in your pariſh, and have proceeded therein according to law: Theſe are therefore to certify, that you may lawfully permit the body of the ſaid *John Denn* to be buried; and for ſo doing this ſhall be your warrant. Given under my hand and ſeal, the ——— day of ——— 1799.

—— Coroner.

*To the Churchwardens and Conſtables of the Pariſh of Kenſington in the County of* Middleſex.

Warrant to bury a felo de ſe after inquiſition found.

*Middleſex*, } WHEREAS by an inquiſition taken before
to wit. } me, one of his majeſty's coroners for the ſaid county of *Middleſex*, this —— —— day of —— —— in the 39th year of the reign of his preſent majeſty king *George* the third, at the pariſh of *Kenſington*, in the ſaid county of *Middleſex*, on view of the body of *John Denn* then and there lying dead: the jurors, in the ſaid inquiſition named, have found that the ſaid *John Denn* feloniouſly, wilfully, and of his malice forethought, killed and murdered himſelf. Theſe are therefore, by virtue of my office, to will and require you forthwith to cauſe the body of the ſaid *John Denn* to be buried in ſome public highway, and thereof to certify to me the place, and for your ſo doing, this is your warrant. Given under my hand and ſeal, this ——— day of ——— 1799.

—— Coroner.

N. B. This is not to be directed to the miniſter, as no ſervice is to be performed; it may be directed to conſtables only.

The return.

By virtue of the within warrant to us directed, we have cauſed the body within-named to be buried in a place called ——— in the ſaid pariſh, being in the king's highway.

*C. D.* }
*E. H.* } Churchwardens.

*I. D.* Conſtable.

(*a*) The coroner will ſtate this agreeable to the finding of the jury, which take from the verdict as ſhort as poſſible.

To

*To the Miniſters and Churchwardens of the Pariſh of* Fulham *in the County of* Middleſex.

*Middleſex*, } WHEREAS I am credibly informed, that on
to wit. } the ——— day of ——— the body of a new-born male child was found dead in a coffin, in the church-yard of the pariſh of *Fulham* in the ſaid county of *Middleſex*, and that there is not any evidence to be found to make appear to a jury, either by what means the ſaid male child was there laid, or who was the mother thereof, or how it came to its death, nor are there any marks of violence appearing on its body: Theſe are therefore to certify, that in eaſe of the county charge, you may permit the body of the ſaid new-born male child to be buried; and for your ſo doing this is your warrant. Given under my hand and ſeal, this ——— day of ———— 1799.

—— Coroner.

Warrant to bury without a view, where neceſſary inquiſition can be taken, for deficit of evidence.

*To the Miniſters and Churchwardens of the Pariſh of* Fulham *in the County of* Middleſex.

*Middleſex*, } WHEREAS I am credibly informed, that on
to wit. } the ——— day of ——— inſtant, *A. B.* died ſuddenly in the ſtreet, *to wit*, in (name the ſtreet,) the pariſh of *Fulham* in the ſaid county, as ſuppoſed by a fit of an apoplexy, or other ſudden viſitation of God; and that he came not to his death by any violent means or manner whatſoever: Theſe are therefore to certify, that in eaſe of the county charge, you may permit the body of the ſaid *A. B.* to be buried; and for your ſo doing this is your warrant. Given under my hand and ſeal, this ——— day of ——— 1799.

—— Coroner.

Warrant to bury without a view.

*To the Miniſters and Churchwardens of the Pariſh of* Chiſwick *in the County of* Middleſex.

*Middleſex*, } WHEREAS I am credibly informed, that on
to wit. } the ——— day of ——— the body of a man unknown was taken up dead and floating in the river *Thames*, in the pariſh of *Chiſwick* in the ſaid county, and that no marks of violence do appear on the body of the ſaid man unknown; and whereas there is no evidence to make appear to a jury how or by what means the ſaid man unknown came to his death: Theſe are therefore to

Warrant to bury without a view where body found drowned, and floating in a river.

to certify, that in eaſe of the county charge, you may permit the body of the ſaid man unknown to be buried; and for your ſo doing this is your warrant. Given under my hand and ſeal, this —— day of —— 1799.

*G. H.* Coroner.

*To the Miniſters, Churchwardens, and Overſeers of the Pariſh of* Chiſwick *in the county of* Middleſex.

Warrant to take up a body interred, ſuppoſed to come to a violent death.

*Middleſex*, } to wit. } WHEREAS complaint hath been made unto me, one of his majeſty's coroners for the ſaid county of *Middleſex*, that on the —— day of —— the body of one *George Roe* was privately and ſecretly buried in your pariſh, in the ſaid county; and that the ſaid *George Roe* died not of a natural, but violent death. And whereas no notice of the violent death of the ſaid *George Roe* hath been given to either of his majeſty's coroners for the ſaid county, whereby, on his majeſty's behalf, an inquiſition might have been taken on view of the body of the ſaid *George Roe* before his interment, as by law is required. Theſe are therefore, by virtue of my office, in his majeſty's name, to charge and command you, that you forthwith cauſe the body of the ſaid *George Roe* to be taken up, and ſafely conveyed to the bone-houſe, in the ſaid pariſh, that I, with my inqueſt, may have a view thereof, and proceed therein according to law. Hereof fail not, as you will anſwer the contrary at your peril. Given under my hand and ſeal, the —— day of —— 1799.

—— Coroner.

With this warrant the coroner iſſues his precept, to ſummon a jury in the uſual form.

*To all Conſtables and Headboroughs of the Pariſh of* Kenſington *in the County of* Middleſex, *and to all other his Majeſty's Officers of the Peace within the ſaid County.*

To apprehend a perſon for murder.

*Middleſex*, } to wit. } WHEREAS by an inquiſition taken before me, one of his majeſty's coroners for the ſaid county of *Middleſex*, this —— day of —— at the pariſh of *Kenſington* in the ſaid county of *Middleſex*, on view of the body of *George Rich*, then and there lying dead, one *C. D.* late of the pariſh of *H.* in the ſaid county, ſtands charged with the wilful murder of the ſaid *George Rich*. Theſe are therefore, by virtue of my office, in his majeſty's name, to charge and command you,

you, and every of you, that you, ſome or one of you, without delay, do apprehend and bring before me the ſaid coroner, or one of his majeſty's juſtices of the peace for the ſaid county, the body of the ſaid *C. D.* of whom you ſhall have notice, that he may be dealt with according to law. And for your ſo doing this is your warrant. Given under my hand and ſeal, this —— day of —— 1799.

*G. H.* Coroner.

*To the Conſtables, Headboroughs, and other his Majeſty's Officers of the Peace for the County of* Middleſex, *and alſo to the Keeper of his Majeſty's Gaol of Newgate.*

Warrant of commitment to his majeſty's gaol of Newgate for murder.

*Middleſex*, to wit. } WHEREAS by an inquiſition taken before me, one of his majeſty's coroners for the ſaid county of *Middleſex*, the day and year hereunder-mentioned, on view of the body of *Richard Like* lying dead at the pariſh of *St. Mary, Iſlington*, in the ſaid county, *I. K.* late of the pariſh of *C.* in the ſaid county, labourer, ſtands charged with the wilful murder of the ſaid *Richard Like*. Theſe are therefore, by virtue of my office, in his majeſty's name, to charge and command you, or any of you the under-written conſtables, headboroughs, and other his Majeſty's officers of the peace for the ſaid county, forthwith ſafely to convey the body of the ſaid *I. K.* to his majeſty's gaol of *Newgate*, and ſafely to deliver the ſame to the keeper of the ſaid gaol: and theſe are likewiſe, by virtue of my ſaid office, in his majeſty's name, to will and require you the ſaid keeper to receive the body of the ſaid *I. K.* into your cuſtody, and him ſafely to keep in the ſaid gaol until he ſhall be thence diſcharged by due courſe of law. And for your ſo doing this is your warrant. Given under my hand and ſeal, the —— day of —— 1799.

—— Coroner.

*To the Keeper of his Majeſty's Gaol of Newgate*

*Theſe.*

Warrant of detainer for murder.

*Middleſex*, to wit. } WHEREAS you have in your cuſtody the body of *C. D.* And whereas by an inquiſition taken before me, one of his majeſty's coroners for the ſaid county of *Middleſex*, the day and year hereunder-written, at the pariſh of *Chiſwick* in the ſaid county, on

view of the body of *A. B.* then and there lying dead; he the ſaid *C. D.* ſtands charged with the wilful murder of the ſaid *A. B.* Theſe are therefore in his majeſty's name, by virtue of my office, to charge and command you to detain and keep in your cuſtody the body of the ſaid *C. D.* until he ſhall be thence diſcharged by due courſe of law. And for your ſo doing this is your warrant. Given under my hand and ſeal, this ——— day of ——— 1799.

—— Coroner.

*To A. B.* (*a*)

Summons for a witneſs to appear and give evidence to the coroner's inqueſt.

*Middleſex*, } WHEREAS I am credibly informed you can
to wit. } give evidence on behalf of our ſovereign lord the king, touching the death of *A. B.* now lying dead in the pariſh of *C.* in the county of *Middleſex*: Theſe are therefore, by virtue of my office, in his majeſty's name, to charge and command you perſonally to be and appear before me at the dwelling-houſe of *Iſaac Roch*, known by the ſign of the *Bell*, in ——— *Street* in the ſaid pariſh of *C.* aforeſaid, at 6 of the clock in the evening, on the ——— day of ——— inſtant, then and there to give evidence and be examined on his majeſty's behalf, before me and my inqueſt, touching the premiſes. Hereof fail not, as you will anſwer the contrary at your peril. Given under my hand and ſeal, this ——— day of ——— 1799.

—— Coroner.

*To all Conſtables, Headboroughs, and other his Majeſty's Officers of the Peace in and for the County of* Middleſex (*b*).

Warrant for contempt againſt a witneſs for not appearing to give evidence after being ſummoned.

*Middleſex*, } WHEREAS I have received credible infor-
to wit. } mation, that *A. B.* of the pariſh of *C.* in the ſaid county, ſurgeon, can give evidence on behalf of our ſovereign lord the king, touching the death of *C. D.* now lying dead in the ſaid pariſh of *C.* in the county aforeſaid; and whereas the ſaid *A. B.* (having been duly ſummoned to appear and give evidence before me and

(*a*) It is uſual for the churchwardens to get a ſurgeon to attend the coroner: if not, the coroner may iſſue his ſummons for that purpoſe.

(*b*) The coroner may direct this warrant to any one ſpecial by adding; "*And alſo to* ISAAC DIX *my ſpecial officer for this purpoſe.*"

my

my inqueſt, touching the premiſes at the time and place in the ſaid ſummons ſpecified, of which oath hath been duly made before me) hath refuſed and neglected ſo to do, to the great hindrance and delay of juſtice. Theſe are therefore, by virtue of my office, in his majeſty's name, to charge and command you, or one of you, without delay, to apprehend and bring before me, one of his majeſty's coroners for the ſaid county, now ſitting at the pariſh aforeſaid, by virtue of my ſaid office, the body of the ſaid *C. D.* that he may be dealt with according to law. And for your ſo doing this is your warrant. Given under my hand and ſeal, the —— day of —— 1799.

—— Coroner.

*To the Conſtables, Headboroughs, and others his Majeſty's Officers of the Peace in and for the County of* Middleſex, *and alſo to the Keeper of* New Priſon, *at* Clerkenwell *in the ſaid County.*

Warrant to commit a witneſs refuſing to give evidence after being taken for contempt of ſummons.

*Middleſex*, to wit. } WHEREAS I heretofore iſſued my ſummons, under my hand, directed to *A. B.* of *&c.* ſurgeon, requiring his perſonal appearance before me, then and now one of his majeſty's coroners for the ſaid county of *Middleſex*, at the time and place therein-mentioned to give evidence and be examined on his majeſty's behalf touching the death of *C. D.* then and there lying dead; of the perſonal ſervice of which ſaid ſummons, oath hath been duly made before me; and whereas the ſaid *A. B.* having neglected and refuſed to appear, purſuant to the contents of the ſaid ſummons, I thereupon afterwards iſſued my warrant, under my hand and ſeal, in order that the ſaid *A. B.* by virtue thereof, might be apprehended and brought before me, to anſwer the premiſes. And whereas the ſaid *A. B.* in purſuance thereof, hath been apprehended and brought before me, now duly ſitting by virtue of my office, and hath been duly required to give evidence and be examined before me and my inqueſt, on his ſaid majeſty's behalf, touching the death of the ſaid *C. D.* yet the ſaid *A. B.* notwithſtanding hath abſolutely and wilfully refuſed, and ſtill doth wilfully and abſolutely refuſe to give evidence and be examined, touching the premiſes, or to give ſufficient reaſon for his refuſal, in wilful and open violation and delay of juſtice. Theſe are therefore, by virtue of my office, in his majeſty's name, to charge and command you, or

one

one of you the ſaid conſtables, headboroughs, and other his majeſty's officers of the peace, in and for the ſaid county of *Middleſex*, forthwith to convey the body of the ſaid *A. B.* to the gaol of *New Priſon* at *Clerkenwell* in the ſaid county, and ſafely to deliver the ſame to the keeper of the ſaid priſon there; and theſe are likewiſe, by virtue of my ſaid office, in his majeſty's name, to will and require you the ſaid keeper to receive the body of the ſaid *A. B.* into your cuſtody, and him ſafely to keep in the priſon, until he ſhall conſent to give his evidence, and be examined before me and my inqueſt, on his majeſty's behalf, touching the death of the ſaid *C. D.* or until he ſhall be from thence otherwiſe diſcharged by due courſe of law. And for your ſo doing this is your warrant. Given under my hand and ſeal, this ——— day of ——— 1799.

—— Coroner.

*To the Conſtables, Headboroughs, and others his Majeſty's Officers of the Peace in and for the County of* Middleſex, *and alſo to the Keeper of the New Priſon at* Clerkenwell *in the ſaid County.*

**Warrant of commitment of a witneſs refuſing to ſign his information.**

*Middleſex*, } WHEREAS *A. B.* of, *&c.* ſurgeon, is a
to wit. } material witneſs on the behalf of our ſovereign lord the king againſt *I. P.* late of the pariſh aforeſaid, in the county aforeſaid, labourer, now charged before me, one of his majeſty's coroners for the county of *Middleſex*, and my inqueſt, with the wilful murder of *C. D.* there now lying dead; and whereas the ſaid *A. B.* at this time of my inquiry, (on view of the body of the ſaid *C. D.* how and by what means he the ſaid *C. D.* came by his death,) hath perſonally appeared before me and my ſaid inqueſt, and on his majeſty's behalf hath given evidence and information on oath, touching the premiſes: which ſaid evidence and information having by me been reduced into writing, and the contents thereof by me, in the preſence of my ſaid inqueſt, openly and truly read to him the ſaid *A. B.* who doth acknowledge the ſame to be true, and that the ſame doth contain the full ſubſtance and effect of the evidence by him given before me to my ſaid inqueſt; and the ſaid *A. B.* having by me been requeſted and deſired to ſign and ſet his hand to his ſaid teſtimony and information, and to acknowledge the ſame as by law is required, yet notwithſtanding the ſaid *A. B.* hath wilfully and abſolutely refuſed, and

ſtill

ſtill doth wilfully and abſolutely refuſe ſo to do, in open defiance of law, and to the great hindrance of the public juſtice. Theſe are therefore, by virtue of my office, in his majeſty's name, to charge and command you, or one of you the ſaid conſtables and headboroughs and others his majeſty's officers of the peace, in and for the ſaid county of *Middleſex*, forthwith to convey the body of the ſaid *A. B.* to the gaol of *New Priſon* at *Clerkenwell* in the ſaid county, and ſafely to deliver the ſame to the keeper of the ſaid priſon there; and theſe are likewiſe, by virtue of my ſaid office, in his majeſty's name, to will and require you the ſaid keeper to receive the body of the ſaid *A. B.* into your cuſtody, and him ſafely to keep in priſon, until he ſhall duly ſign and acknowledge his ſaid information, or ſhall be from thence otherwiſe diſcharged by due courſe of law. And for your ſo doing this is your warrant. Given under my hand and ſeal, this ——— day of ——— 1799.

—— Coroner.

*To the Conſtables, Headboroughs, and others his Majeſty's Officers of the Peace in and for the County of* Middleſex, *and alſo to the Keeper of the* New Priſon *at* Clerkenwell *in the ſaid County.*

Warrant to commit a perſon examined before the coroner's inqueſt, who after ſigning the information, refuſes to enter into a recognizance to appear and give evidence at the ſeſſions.

*Middleſex*, to wit. } WHEREAS upon an inquiſition this day taken before me, one of his majeſty's coroners for the county of *Middleſex*, at the pariſh of *A.* in the ſaid county, on view of the body of *C. D.* then and there lying dead, one *I. U.* late of the pariſh aforeſaid, in the county aforeſaid, labourer, was, by my inqueſt, then and there ſitting, found guilty of the wilful murder of the ſaid *C. D.* And whereas one *U. P.* of the pariſh and county aforeſaid, *ſilverſmith*, was then and there examined, and gave information, in writing, before me and my inqueſt, touching the premiſes, and which ſaid information he the ſaid *U. P.* then and there before me and my inqueſt duly ſigned and acknowledged, and by which ſaid information it appears, that the ſaid *U. P.* is a material evidence on his majeſty's behalf againſt the ſaid *I. U.* now in cuſtody, and charged by my inqueſt with the ſaid murder; and the ſaid *I. U.* having wilfully and abſolutely refuſed to enter into the uſual recognizance for his perſonal appearance at the next ſeſſion of the peace in and for the ſaid county, to be holden at *Hicks's-Hall* ſituate on *Clerkenwell-Green* in the ſaid county, and

alſo at the next ſeſſion of gaol delivery to be holden for the ſaid county of *Middleſex*, at *Juſtice-Hall* in the *Old Bailey*, *London*, and then and there to give evidence on his majeſty's behalf, againſt the ſaid *I. U.* to the great hindrance and delay of juſtice. Theſe are therefore, by virtue of my office, in his majeſty's name, to charge and command you, or one of you the ſaid conſtables and headboroughs and others his majeſty's officers of the peace, in and for the ſaid county, forthwith to convey the body of the ſaid *U. P.* into your cuſtody, and him ſafely to keep in the ſaid priſon, until he ſhall enter into ſuch recognizance before me, or before one of his majeſty's juſtices of the peace for the ſaid county, for the purpoſe aforeſaid, or in default thereof, until he ſhall be from thence otherwiſe diſcharged by due courſe of law. And for ſo doing, this is your warrant. Given under my hand and ſeal, this ——— day of ——— 1799.

——— Coroner.

*Middleſex*, } BE IT REMEMBERED, That *Iſaac Roch*
to wit. } of, &c. yeoman, and *Emanuel Doe*, of the ſame place, Dyer, *Do ſeverally acknowledge to owe to our ſovereign lord the king, the ſum of forty pounds each, of lawful money of Great Britain, to be levied on their ſeveral goods and chattels, lands and tenements, by way of recognizance, to his majeſty's uſe, in caſe default ſhall happen to be made in the condition hereunder-written*:

Recognizance to appear at the ſeſſions to find a bill of indictment and proſecute to conviction.

To be taken on parchment without ſtamp and returned to the ſeſſions.

The condition of this recognizance is ſuch, that if the above-bounden *Iſaac Roch* and *Emanuel Doe* do ſeverally perſonally appear at the next ſeſſion of the peace to be holden at *Hicks's-Hall*, ſituate on *Clerkenwell-Green*, in and for the county of *Middleſex*, and the ſaid *Iſaac Roch* ſhall then and there prefer, or cauſe to be preferred, to the grand jury a bill of indictment againſt *C. D.* late of the ſaid pariſh and county labourer, and now in cuſtody for the wilful murder of *A. B.* late of, &c. baker, and that the ſaid *Iſaac Roch* and *Emanuel Doe* do then and there ſeverally perſonally appear to give evidence on ſuch bill of indictment to the ſaid grand jury: And in caſe the ſaid bill of indictment be found by the grand jury a true bill, that then they the ſaid *Iſaac Roch* and *Emanuel Doe* do ſeverally perſonally appear at the next ſeſſion of gaol delivery to be holden for the ſaid county of *Middleſex*, at *Juſtice-Hall*, in the *Old-Bailey*, *London*: And the ſaid *Iſaac Roch* ſhall then and there proſecute, or cauſe to be proſecuted,

profecuted, the ſaid *C. D.* on ſuch indictment: And the ſaid *Iſaac Roch* and *Emanuel Doe* do then and there ſeverally give evidence to the jury that ſhall paſs on the trial of the ſaid *C. D.* touching the premiſes: And in caſe the ſaid bill of indictment ſhall be returned by the grand jury not found, that then they do ſeverally perſonally appear at the ſaid ſeſſion of gaol delivery to be then and there holden for the ſaid county, and then and there proſecute and give evidence to the jury that ſhall paſs on the trial of the ſaid *C. D.* upon an inquiſition taken before me, one of his majeſty's coroners for the ſaid county of *Middleſex*, on view of the body of the ſaid *A. B.* and not depart the court without leave, then this recognizance to be void, otherwiſe to remain in full force.

*Taken and acknowledged this* —— *day of* —— 1799. *Before me* —— Coroner.

*Iſaac Roch.*
*Emanuel Doe.*

If a wife be to give evidence, and the huſband be not preſent to enter into a recognizance, the wife is not to be bound in any ſum penal but *on pain of* impriſonment, as thus: *Sarah* the wife of *John Small* of, &c. labourer, on pain of impriſonment, in caſe ſhe ſhall make default in ſuch condition, and inſert her name in ſuch condition.

If the huſband be preſent, he is to be bound for the appearance of his wife: in this caſe inſert the wife's name throughout the condition of the recognizance.

If it happen an apprentice or an infant be to give evidence, the parent or maſter is bound in a recognizance for the appearance; and in this caſe the parent or maſter is called the *mainpernor* of the infant or apprentice, and the condition will be for the infant or apprentice to appear; for which ſee the following general precedent:

Recognizance by huſband for wife's appearance, and maſter, &c. for apprentice's appearance.

*Middleſex.* *John Parſons* of the pariſh of *St. Luke*, in the ſaid county of *Middleſex*, blackſmith;
*Thomas Pariſh* of the ſame, victualler;
*John Rogers* of the ſame, whitesmith, the huſband of *Sarah Rogers*;
*Joſhua Bourn* of the ſame, haberdaſher, the mainpernor of *Jacob Jacobſon*, his apprentice, an infant;
*John Stiles* of the ſame, ſword-cutler, the mainpernor of *George Stiles*, his ſon, an infant; do ſeverally acknowledge to owe to our ſove-

reign lord the king, the ſum of forty pounds of lawful money of *Great Britain*, to be levied on their ſeveral goods and chattels, lands and tenements, by way of recognizance, to his majeſty's uſe, in caſe default ſhall be made in the condition following:

And *Suſan* the wife of *Joſeph Philipſon* of the ſame, buckle-maker, on pain of impriſonment, in caſe ſhe ſhall make default in ſuch condition.

The condition of this recognizance is ſuch, that if the above-bounden *J. P.*, *T. P.*, *Sarah Rogers*, the wife of the ſaid *John Rogers*, *Jacob Jacobſon*, *George Stiles*, and *Suſan Philipſon*, do ſeverally perſonally appear at the next ſeſſion of the peace, to be holden at *Hicks's-Hall*, ſituate on *Clerkenwell-Green*, in and for the county of *Middleſex*, and then and there give evidence on a bill of indictment to be preferred to the grand jury againſt *W. T. now at large*, for the wilful murder of *Sarah* his wife; and in caſe the ſaid bill of indictment ſhall be returned by the grand jury a *true bill*, then that they do ſeverally perſonally appear, at the ſeſſion of gaol delivery, to be holden for the ſaid county of *Middleſex*, at *Juſtice-Hall* in the *Old Bailey*, *London*, *next after the apprehending or ſurrender of the ſaid W. T.* and then and there ſeverally give evidence to the jury, that ſhall paſs on the trial of the ſaid *W. T.* touching the premiſes; and in caſe the ſaid bill of indictment ſhall be returned by the grand jury *not found*, that then they do ſeverally perſonally appear at *ſuch* ſeſſion of gaol delivery to be then and there holden for the ſaid county, and then and there give evidence to the jury, that ſhall paſs upon the trial of the ſaid *W. T.* upon an inquiſition taken before me, one of his majeſty's coroner's for the ſaid county of *Middleſex*, on view of the body of the ſaid *S. T.* and not depart the court without leave; then this recognizance to be void, otherwiſe to be and remain in full force.

Taken and acknowledged this ——— day of ———
1799, before me

—— Coroner.

Coroner's certificate of the finding of jurors in offences of

*Middleſex*, to wit. } THESE are to certify, that by an inquiſition taken before me, on view of the body of *C. D.* at the pariſh of *G.* in the ſaid county of *Middleſex*,

*ulſex*, bearing date the —— day of —— —— inſtant, the jurors in the ſaid inquiſition named, have found that *A. B.* (*a*) juſtifiably and of inevitable neceſſity, did kill and ſlay the ſaid *C. D.* Given under my hand this —— day of —— 1799.

—— Coroner.

the laſt degree, in order for bail before juſtices of the peace.

(*a*) Or, in defence of himſelf, and for the ſafety of his life and property, as againſt thieves juſtifiably, &c.

Or, caſually and by misfortune, and againſt the will of the ſaid *A. B.* (*as in a chance-medley*).

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